



# Permission Decision Support Document (Publicly released copy)

Notified concession

## Application Detail

Decision Maker	Aaron Fleming, Director, Southern South Island Region
Permissions Manager	Rebecca Beaumont, Permissions Regulatory Delivery Manager (Acting)
Applicant:	NZSki Limited
Permission Number	100472-OTH
Permission Type	Notified concession (lease and licence and easement)

Redacted from publicly released copy of this Report:

- Document links
- Key dates
- Resources

The Remarkables Ski Area authorisations that relate specifically to Shadow Basin Lift

*(Note: the intention is that the permissions below will be subsumed within the main Remarkables ski area 96118-SKI currently being processed)*

Document Links	docCM
<p>Permission Number: PAC-13-06-42-04</p> <p>Type: Easement</p> <p>Activity Description: Ski Lift Easement The Rastus Burn Recreation Reserve.</p> <p>Location of lift: Shadow Basin is Area "P" on SO 22561 (see Figure 4 below)</p>	<p><a href="#">DOC-2799758</a></p> <p>(Revision 6)</p>
<p>Permission Number: OT-31854-SKI</p> <p>Type: Concession Document (Easement)</p> <p>Activity Description: A right to convey water and locate snow-making infrastructure on the land.</p>	<p><a href="#">DOCDM-859003</a>: Concession Document (Easement)</p> <p><a href="#">DOCDM-858999</a>: Plan of easement</p>
<p>Permission Number: 71402-SKI</p> <p>Type: Concession Document (General Licence)</p> <p>Activity Description: Undertake skiable terrain modification including trenching for snowmaking pipeline</p>	<p><a href="#">DOC-6095368</a></p>

## APPENDICES

Appendix	Description
1	Proposed Special Conditions
2	Southern Land Development Consultants (SDC) Proposed Shadow Basin Works
3	Plans of Passenger Lift System and Associated Buildings

## EXECUTIVE SUMMARY

1. This application is for the alignment and replacement of the existing Shadow Basin passenger lift system and associated infrastructure. A detailed summary of the proposed infrastructure is listed in section 3 (Context) and section 6.1.1 (Overview) in this Report.
2. Work to migrate the lease arrangement to a concession under Part 3B of the Conservation Act 1987 is in progress under application 96118-SKI). Refer to section 3 (Context) in this Report for details.

## 1. Task Register

Redacted from publicly released copy of this Report:

## 2. Purpose

To make a decision on the application.

## 3. Context

NZSki Limited (the Applicant) has applied for a concession to replace and realign the Shadow Basin passenger lift system at the Remarkables Ski Area.

The replacement Shadow Basin lift system is proposed on a different alignment to the existing lift (see Figure 1 below and plans and diagrams in Appendix 2). It will commence from the same location but veer south of the existing alignment and extend to a higher elevation than the existing passenger lift system, in order to open up an additional 46.7 hectares of lift accessed terrain within the existing Remarkables Ski Area concession. It will increase the carrying capacity from 1,500 persons per hour to 2,400 persons per hour.

### Remarkables ski area background

The Remarkables ski field is operated under a head lease issued under the Reserves Act 1977 and concessions granted under the Conservation Act 1987. Work to migrate the lease arrangement to a concession under Part 3B of the Conservation Act 1987 is in progress (application 96118-SKI). The final term of the concession is unknown at this stage. The usual maximum term of leases under the Conservation Act 1987 is 30 years, however granting a longer term is possible in exceptional circumstances.

The Decision Maker is the same for both applications and considered the request by the Applicant to progress this Application (for the Remarkables Shadow Basin passenger lift system and associated structure) as a priority, due to an identified health and safety risk associated with the age of the lift. The Decision Maker agreed to support this request and is aware of the main Remarkables ski field application which is currently being progressed and was satisfied that progressing the Remarkables Shadow Basin lift Application did not need to be delayed due to the other pending application for the Remarkables ski field.

- The proposal is within the Rastus Burn Recreation Reserve, a 700-hectare area, initially set aside in 1980 and added to since, to accommodate skifield development.
- The Remarkables has been operating as a skifield since 1985. Since the initial establishment there has been ongoing development of the area, including the continued upgrade of the access road.
- Within the Rastus Burn Recreation Reserve is existing ski infrastructure – including 4 chairlifts.
- Shadow Basin is located in the western alpine cirque of the ski area and is approximately 35 years old.
- The most recent chairlift replacement approved at site was the Sugar Bowl Chairlift replacement in March 2019 granted under permission number 69588-SKI.

### Summary of what the Applicant is applying for

This Application comprises an application for lease, licence and easement areas as summarised below:

- leases are sought over the top and bottom station footprints including the operator control rooms and carrier parking facility;

- a licence is sought for associated trail works (skiable terrain modifications) such as proposed extensions to the Highway, Calypso and Cushion Trails;
- Easements are sought for:
  - a right of way easement to pass ski carriers by means of haul rope and lift towers;
  - to convey telecommunications underground along the lift alignment;
  - for snowmaking infrastructure to be installed along the proposed trails;
  - the realignment of the vehicle access road for safe vehicle access during operations and maintenance;
  - to convey air, water and communications underground for snowmaking, and power underground for lift operations and snowmaking;
- Decommissioning of the existing chair lift infrastructure being replaced involving removal of towers and end stations back to ground level.

Note: A detailed break-down of the proposed works has been included in the section 6 (Overview) in this Report in analysis of effects.

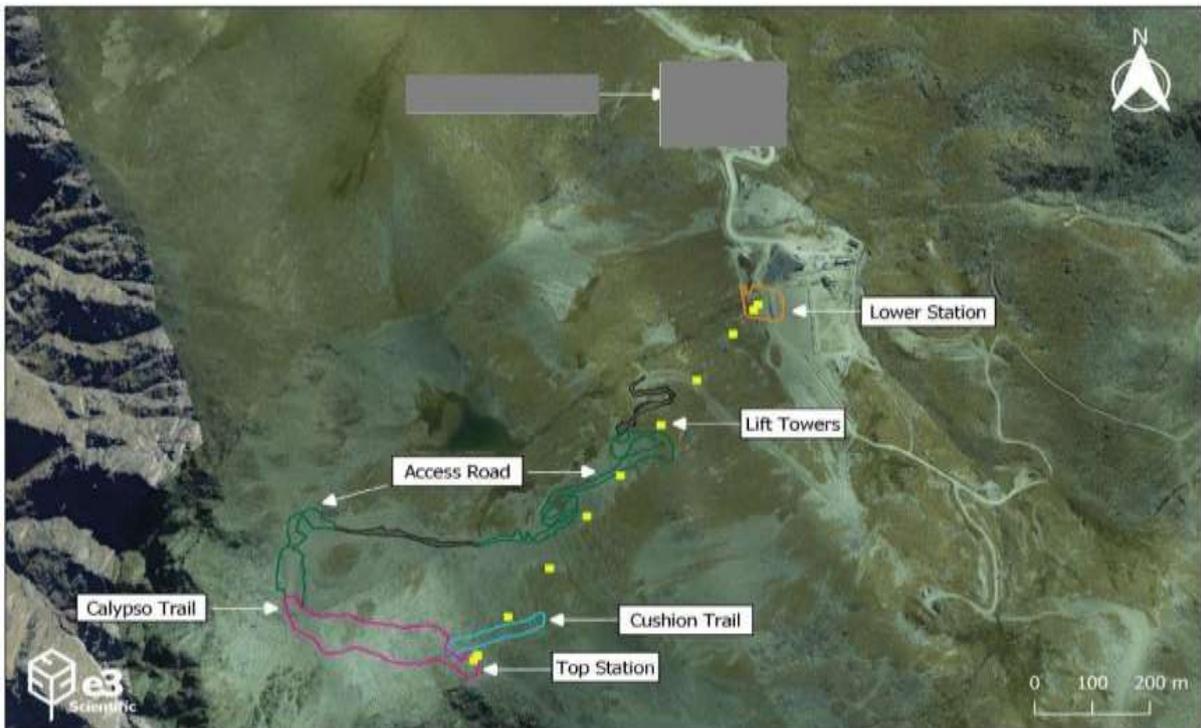


Figure 1: Site of new Shadow Basin lift and associated infrastructure from Environmental Impact Assessment (EIA) included in Application.

#### Plans and diagrams

Detailed plans of the proposal have been included as:

Appendix 2 - Southern Land Development Consultants (SDC) Proposed Shadow Basin Works

Appendix 3 - Plans of Passenger Lift System and Associated Buildings

Public notification was concluded, a public hearing was held, and a Recommendation Report was approved. This information has been documented in section 6 in this Report.

## Site visit

A site visit was carried out with the following DOC staff and Applicant representatives present: Aaron Fleming (Director Operations, Southern South Island - Decision Maker), David Butt (Operations Manager, Whakatipu-wai-Māori) and Kate Hamilton (Ranger, Community), met with Ross Lawrence (Remarkables Ski Area Manager) and Mark Sommerville (Assistant Ski Area Manager, Remarkables). The purpose of this visit was to understand the proposed works detailed above and, to satisfy the Decision Maker, that the top station would not be viewable from the Lake Alta cirque – a concern raised in an objection and at the Hearing. This issue of visibility of the top station from the Lake Alta cirque has been discussed in section 6.1.10 in this Report.

## Term

In an email dated 5 July 2023<sup>1</sup>, Paul Anderson, NZSki Limited CEO, amended the term from 40 years to 30 years as stated below, and this has been discussed in section 7.3 in this Report:

*“For Shadow Basin, as discussed we are comfortable to reduce this term to 30 years if this simplifies the application. It’s a single piece of infrastructure so 30 years is sufficient however we would maintain a request for 40 years for the full 3B concession<sup>2</sup>.”*

## Location/s

The activity has been applied for at the following location/s:

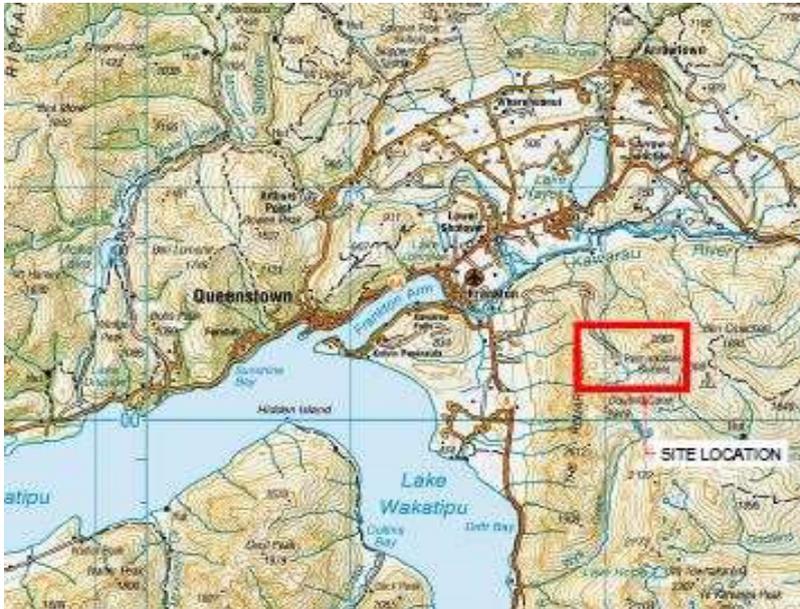
Conservation area	Description of location (if applicable)	Land status	District Office	Activity
Rastus Burn Recreation Reserve (F41055) NaPALIS ID: 2804656 As show in blue below	Section 1-2 Survey Office Plan 22561 and part Section 1 Block X Kawarau Survey District.  Contained in title CFR OT8D/636, being 700 hectares more or less	Held as recreation reserve under section 17 of the Reserves Act 1977	Whakatipu-wai-Māori/ Queenstown Office	Establish a replacement passenger lift system and associated connecting ski trails and maintenance road access within the Shadow Basin locality at The Remarkables Ski Area (see section 3 Context for full description)

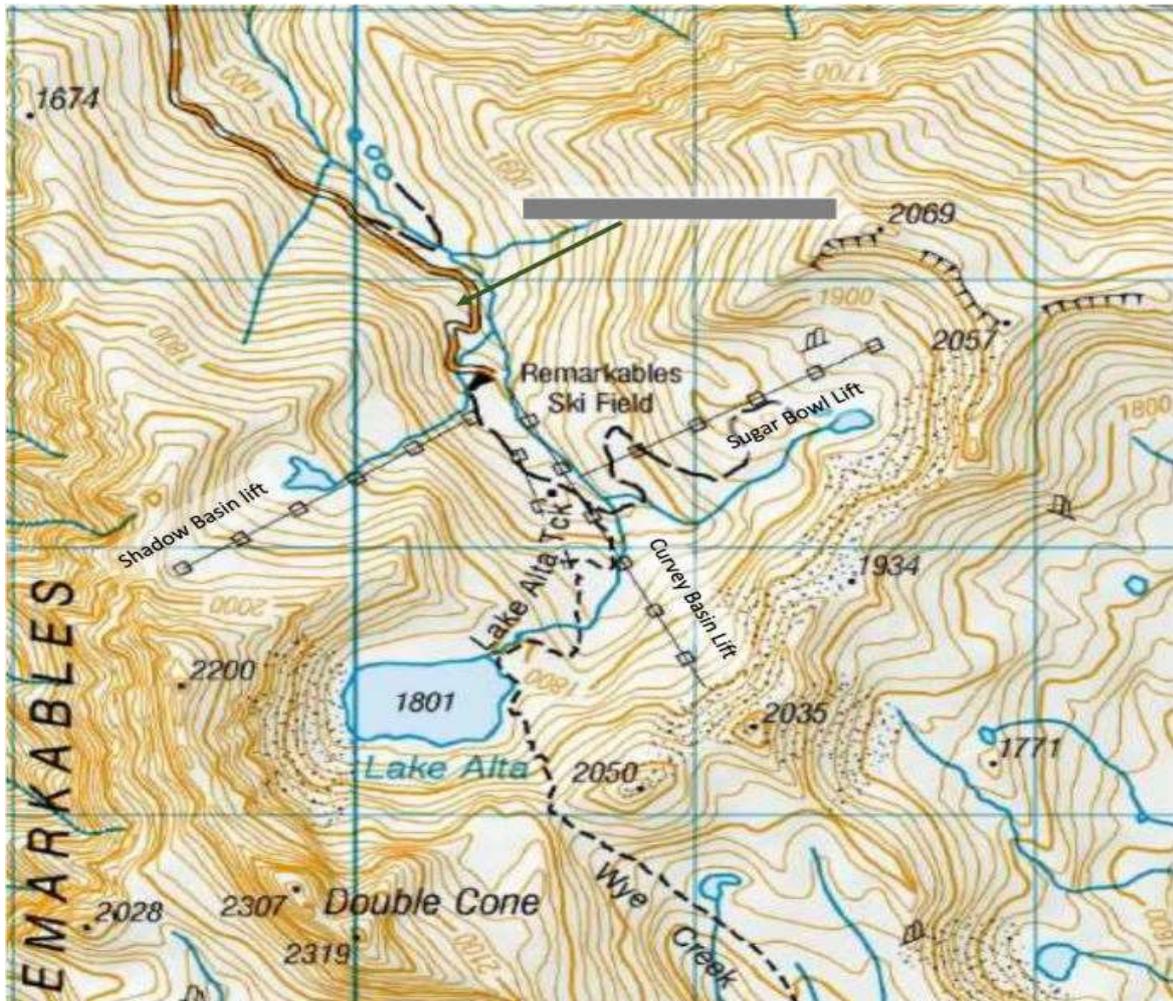
<sup>1</sup> [DOC-7409584](#)

<sup>2</sup> 96118-SKI

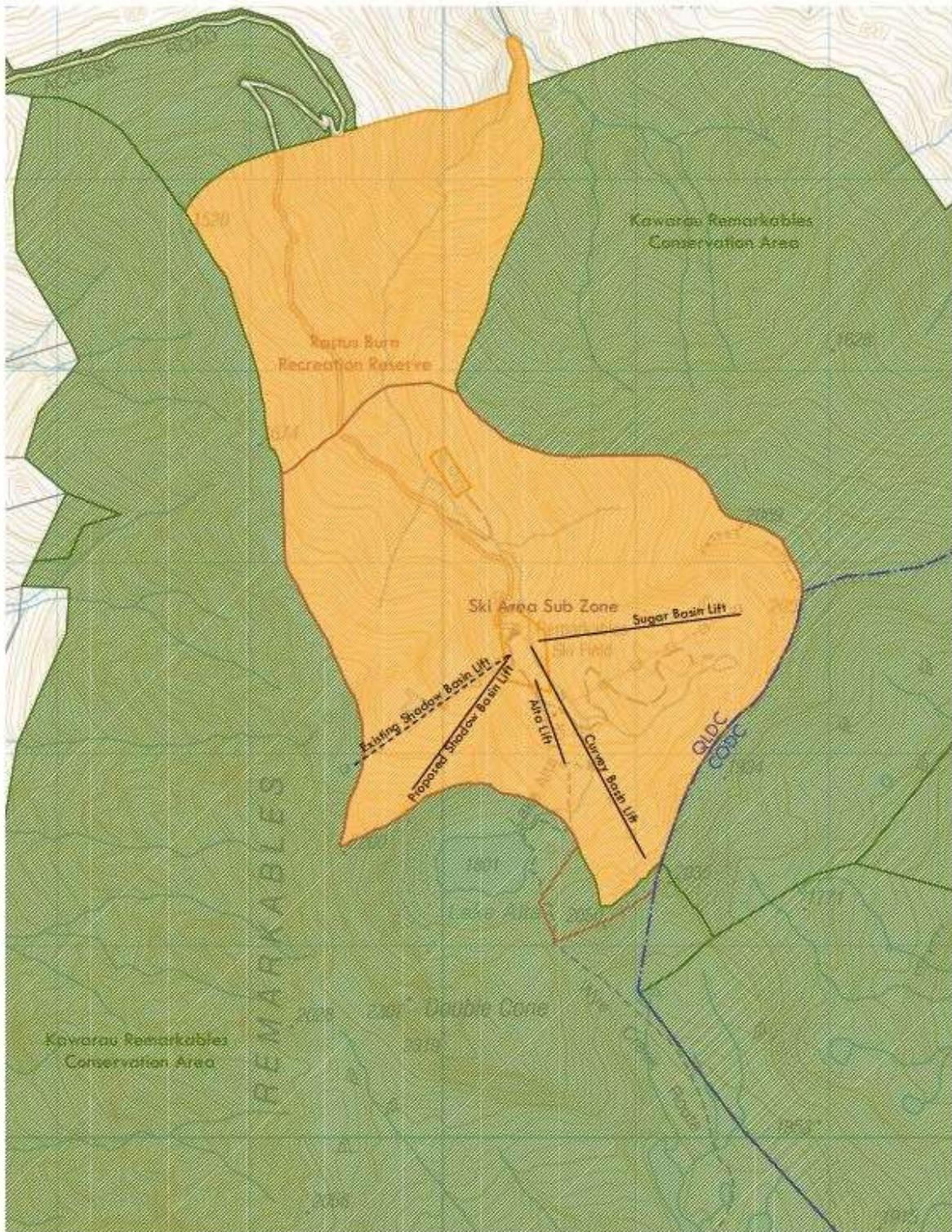


Approximate GPS NZTM 2000 of new Shadow Basin lift: bottom station E1270347, N5002497 to top station E1269817 N5001797





Figures 2-3: Topo maps showing site location and location of existing Shadow Basin lift to be decommissioned.



1 Designations  
Scale: 1:25000

Figure 4: Phillip Blakely Landscape Assessment (Figure five) included in Application – Existing and proposed shadow Basin Lift

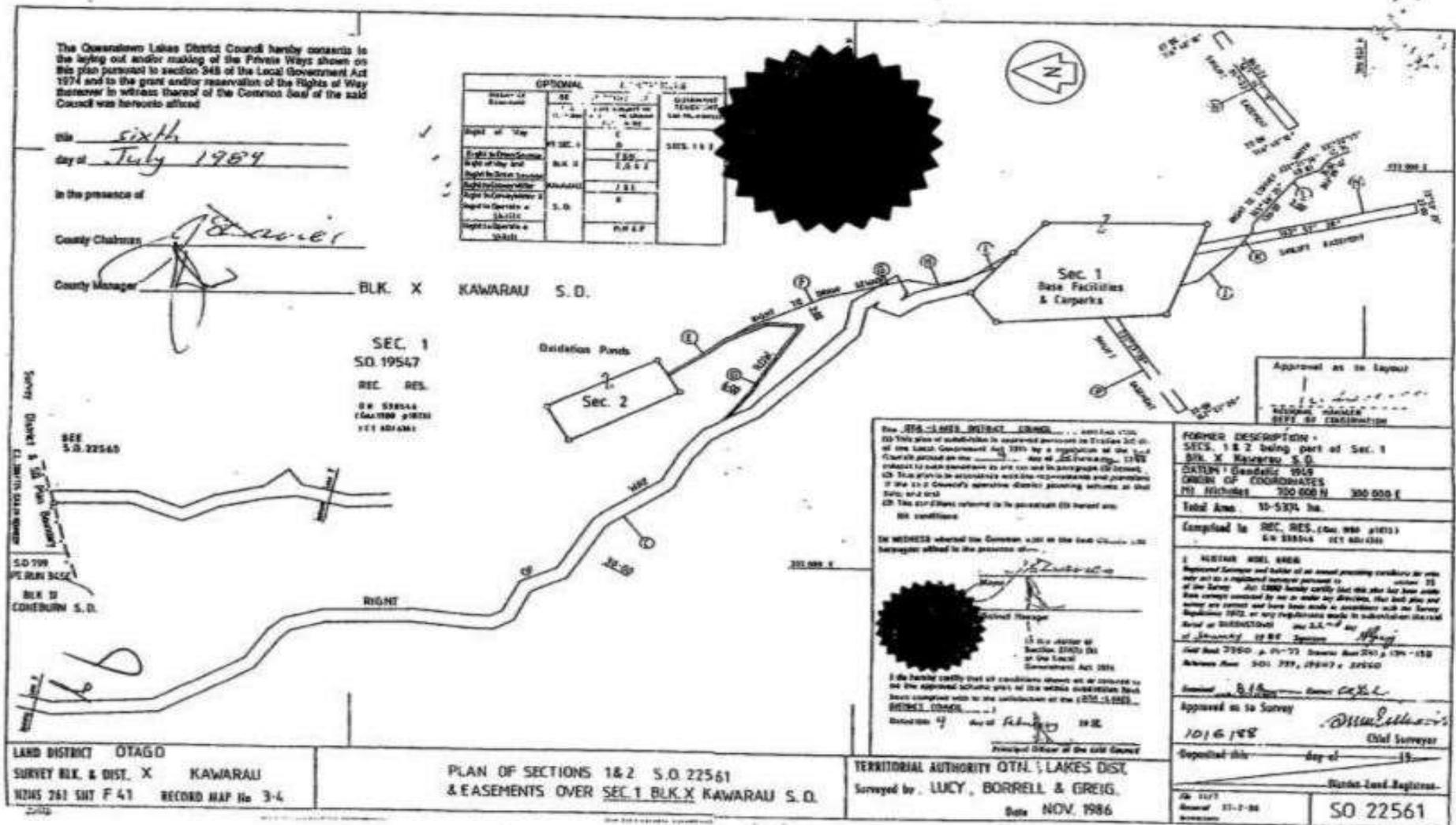


Figure 5: Survey plan SO 22561. Shadow Basin Lift is Area "P" directly below area labelled Sec 1 Base Facilities and Carparks.

## Characteristics of the Application Area

The Otago Conservation Management Strategy outcomes and policies are referred to in section 6.5.2 in this Report. In summary the distinctive features are:

- The Remarkables Ski Area is in the Western Lakes and Mountains/Ngā Puna Wai Karikari a Rākaihautū (the Place).
- Area of spectacular glaciated mountain ranges, with a core of permanent snow and ice. Below the snowline, a complete sequence of indigenous vegetation exists from high alpine fellfield and low-alpine snow tussock lands, through to mixed shrublands and beech forest to tussock grassland on the flat valley floors.
- Mountain crests, such as The Remarkables, form a transition between the broader, semi-arid landscape of Central Otago and the continuous chain of snow-capped mountains, deep valleys, and extensive beech forests of the main divide of the Southern Alps/Kā Tiritiri o te Moana.
- The Remarkables and Tāpuae-o-Uenuku/Hector Mountains include several large conservation areas, and the Rastus Burn Recreation Reserve in which the Remarkables ski field is located.
- The Remarkables and Tāpuae-o-Uenuku/Hector Mountains contain high ecological values due in part to the area's location in a transition zone between the wetter west and the drier Central Otago mountains and valleys. Tussock grasslands are extensive and largely unmodified. The alpine and subalpine vegetation includes the eastern extent of several species including mountain snow tussock, cut-leaved alpine buttercup and Birleys hebejeebie. The area has a wide range of habitats-rock bluffs, boulderfields, cushionfields, tussockland, wetlands, lakes, forest and shrubland-extending from 350 m to 2320 m.
- The highest level of recreational use occurs in and around The Remarkables ski field. The ski field road provides access to The Remarkables and Tāpuae-o-Uenuku/Hector Mountains year round.

## Relevant details about the Applicant

Redacted from publicly released copy of this Report:

### 4. Critical Issues

Redacted from publicly released copy of this Report:

### 5. Consultation with Treaty Partners

Redacted from publicly released copy of this Report:

## 6. Contributions

Redacted from publicly released copy of this Report:

Analysis of the Principles of the Treaty of Waitangi

Redacted from publicly released copy of this Report:

### Summary of Submissions

Provided by Kelvin Brown, Permissions Advisor, on behalf of Rebecca Beaumont, Permissions Regulatory Delivery Manager

Objections or submissions received (24 in total) [DOC-7258694](#)

Summary of objectors and submitters (spreadsheet) [DOC-7269908](#)

Link to DOC webpage for public notification [Application for a concession by NZSki Limited: Have your say \(doc.govt.nz\)](#)

Link to complete application documents [DOC-7221154](#)

Refer to Summary of hearing box below.

### Summary of Hearing

Provided by Kelvin Brown, Permissions Advisor, on behalf of Rebecca Beaumont, Permissions Regulatory Delivery Manager

Recommendation Report (Summary of objections and submissions/comments) [DOC-7292215](#)

Refer to Summary of Submissions above. The views provided by all submitters and those heard at the hearing were included in the Recommendation Report and have been incorporated into this Report where relevant.

The issues covered in the Recommendation Report have been documented below (if relevant)<sup>3</sup> under the following headings:

1. In support of Applicant's ability
2. Information and detail provided in application
3. Location of replacement lift
4. Compensation payment
5. Otago Conservation Management Strategy 2016
6. Lake Alta
7. Effect of global warming/climate change
8. Recreation impacts – positive and negative
9. Landscape impacts – views within and external to reserve
10. Biodiversity impacts (of installation and removal of infrastructure)
11. Ability to consider the application separately to the wider ski area application

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<sup>3</sup> Strikethrough and reason for not being relevant.

- 12. Land Status Review
- 13. Term
- 14. ~~Privatisation of natural environment (not be allowed)~~
- 15. ~~Economics of Activity (not be accepted)~~
- 16. ~~New information provided by objector (not be accepted)~~
- 17. ~~Applicant right of reply/rebuttals (rebuttable in accordance with Hearing Rules)~~

Statutory Analysis: Notified Concession under Part 3B of the Conservation Act 1987  
Kelvin Brown, Permissions Advisor

S17S: Contents of application

*To be complete (s17S(1)), an application for a concession must include:*

- *A description of the proposed activity;*
- *A description of the locations for the proposed activity;*
- *A description of the potential effects of the proposed activity and proposed action to avoid, remedy, or mitigate adverse effects;*
- *The proposed term and reasons for that term;*
- *Relevant information about the application (as requested in the application form).*

Criteria for decision:

- Does the application include all the required information as per s17S?

Yes ~~No~~

Discussion:

*Recommendation Report (Issue 2) Information and detail provided in application*

Forest & Bird (Objection 17)

*20. Section 17S sets out the contents required in a concession application. This application fails to adequately describe the ecosystem and biodiversity values of the site due to a limited herpetological survey and no invertebrate survey, therefore the full potential effects of the proposed activity cannot be determined. The applicant also failed to provide a reason for the request as required by the Act.*

*21. As above, the application does not fully comply with Section 17S and the Minister does not have sufficient information to enable them to fully and adequately assess the effects and the proposed methods to avoid, remedy or mitigate the adverse effects as well consider the potential impacts of climate change and may therefore decline the application under S17U2.*

FMC (Objection 20)

9. The “whole picture” of the Application is lacking. FMC’s view is that DOC does not have fair, accurate or adequate information of the true potential or cumulative effects of the Application.

*Recommendation Report (Issue 11) Ability to consider the application separately to the wider ski area application*

New Zealand Alpine Club (NZAC) (Neutral Submission 18)

4. NZSki concession to operate in the Rastus Burn Recreation Reserve

*We have requested, from the DOC, the status of the overarching concession for NZSki to operate in the Rastus Burn Recreation area. At the time of submitting, we had not received a response. We understand that this concession may have expired. If this is the case we believe it is inappropriate to be considering another concession of this magnitude whilst the main concession is being reviewed.*

FMC (Objection 20)

10. *We also understand that the “main” concession for the Remarkables Ski Field may have expired in about March 2022. If that is the case, then the only proper course of action would probably involve the withdrawal or decline of this application so as to better allow the open and full consideration of these effects, and of NZSki’s long-term plans for the Remarkables Ski field.*

35. *More broadly, we understand that NZSki’s “main” concession expired in about March 2022. If that is correct, and bearing in mind that there is no such thing as “renewal” of a concession, the only proper course is for the application to be withdrawn or declined such that the whole picture can be considered. Further, and whether or not that is correct, everybody is aware of NZSki’s widely-known designs on the Doolan’s Basin - and it is obvious that NZSki will benefit through a pattern of making concession applications, and perhaps variations, piece-meal where again the “whole picture” will be lacking. Might Shadow Basin infrastructure, being in a solar aspect, be abandoned in even shorter order than 40 years, with the gear relocated to a yet-to-be-consented Doolan’s set up? Or, if the lift “has to stay so it can pay”, might this Application “bake in” a set of unknown effects associated with an as-yet unplanned set of bike trails? If so, does the existing landscape plan really show everything it could? How would these indeterminate plans affect, or be affected by, a reclassification of the Kawerau/Remarkables Conservation Area?*

Queenstown Climbing Club (OCC) (Objection 21)

4. *We have significant concerns with regard to NZSki’s current proposal. OCC does not support NZSki’s proposal for the following reasons:*

- *The proposal is pre-emptive to.*

- (i) ...

- (ii) *The renewal of NZSki’s Head Lease, which we understand expired 1 March 2022.*

7. *We also understand NZSki's Head Lease expired 1 March 2022. We are not aware of any renewal of that lease or the terms of which that has been, or is being considered.*

UphighNZ (Objection 23)

*- We note that NZSki's concession has failed to be renewed (start of 2022) and therefore this proposal should be denied and not processed on this basis. This proposal is lawfully questionable.*

Applicant right of reply (refer Appendix 3) on objections and submissions received in relation to ability to consider the application separately to the wider ski area application

*Regulatory issues – points of clarification or correction*

1. *Can't apply for replacement chairlift while overarching concession has expired (NZAC, FMC)*
  - *This concession can be processed under our existing head lease. This is because under the Conservation Act, provided we have submitted our renewal application, we continue to operate under the existing terms. (It is not unlawful, as some submitters have tried to say)*
  - *We discussed and agreed this approach with senior DOC officials that due to the age of the existing chairlift and the likely timeframe to work through the overall Remarkables Ski Area concession*
  - *Our application provides all the information required under:*
    - i. *Conservation Act*
    - ii. *Reserves ACT*
    - iii. *Otago CMS*

*Recommendation Report (Recommendation 2) Seek further information on the application*

That the Decision Maker may wish to seek further information from the applicant.

Objectors asserted that several aspects of the application are either incomplete or inadequate, for example:

- it lacks key information pursuant to section 17S(a) – refer to Issue 2
- it *“fails to adequately describe the application”* pursuant to section 17S – refer to Issue 2
- it fails to adequately consider the impacts on the Lake Alta backcountry visitor experience – refer to Issue 6
- the Philip Blakely assessment is inadequate – refer to Issue 6
- no adequate invertebrate assessment – refer to Issue 10.

The following context and background in *italics* is included in section 3 in this Report under the heading “Remarkables ski area background”:

*The Remarkables ski field is operated under a head lease issued under the Reserves Act 1977 and concessions granted under the Conservation Act 1987. Work to migrate the lease arrangement to a concession under Part 3B of the Conservation Act 1987 is in progress (application 96118-SKI). The final term of the concession is unknown at this stage. The usual maximum term of leases under the Conservation Act 1987 is 30 years, however granting a longer term is possible in exceptional circumstances.*

*The Decision Maker is the same for both applications and considered the request by the Applicant to progress this Application (for the Remarkables Shadow Basin passenger lift system and associated structure) as a priority, due to an identified health and safety risk associated with the age of the lift. The Decision Maker agreed to support this request and is aware of the main Remarkables ski field application which is currently being progressed and was satisfied that progressing the Remarkables Shadow Basin lift Application did not need to be delayed due to the other pending application for the Remarkables ski field.*

The Minister should be satisfied that the Applicant has included all the required information pursuant to s.17S however, it will be up to the Minister to decide, during deliberations, for example, after considering such things as the issues covered in the Recommendation Report highlighted above (in particular under s.17U in this Report), if there is sufficient information in the Application for the Minister to decide if it is both lawful and appropriate to grant a lease, licence, or easement pursuant to s.17S(g)(ii).

#### S17SC: Public notification

*The concession application must be publicly notified if it meets any of the following criteria:*

- *The concession type is a lease – this is for exclusive use of public conservation land;*
- *The term of the concession exceeds ten years (unless it is an easement – an easement may be granted for a term exceeding ten years without public notification);*
- *The effects of the activity mean it is appropriate to do so.*

Criteria for decision:

- Is public notification required?

Yes ~~No~~

State why public notification is required: The Minister must publicly notify every application for a lease; or a licence for a term (including renewals) of more than 10 years pursuant to section 17SC(1). Also, the Minister's delegate has determined that having regard to the effects of the easement, considers it appropriate to notify the easement pursuant to section 17SC(3).

#### S17U(1) and (2): Analysis of effects

*Briefly discuss the positive and adverse effects of the proposed activity, drawing on information from:*

- *The Application form, as provided by the Applicant;*
- *The contributions described in the context and check in meetings, and outlined in this document.*

*Any adverse effects identified that are not managed by a standard condition for the activity may require a site/activity specific special condition to either avoid, remedy, or mitigate the adverse effect. Include the condition proposed and a description of how it avoids, remedies, or mitigates the adverse effect, and list the condition in the Proposed Operating Conditions section of this document.*

*Note that only information relevant to the activity on public conservation land can be considered – if information about effects of the activity is included in the above sources that is outside of this scope, note why it is not a relevant consideration under the Conservation Act (for example, economic benefits to an area).*

Criteria for decision:

- Is the activity consistent with s17U(1) and (2) of the Conservation Act?

Yes / ~~No~~

Discussion: Section 17U(1) requires the Minister to have regard to the effects of the activity as well as the measures that can be imposed to avoid, remedy or mitigate adverse effects. This section of the report considers the effects of the activity from a number of perspectives which can generally be categorised as follows:

- Effects on conservation values plus methods to manage and/or special conditions required.
- Effects on cultural values plus methods to manage and/or special conditions required.
- Effects on existing and future users plus methods to manage and/or special conditions required.
- Cumulative effects of adding this activity to current activity on site plus methods to manage and/or special conditions required.

When analysing the effects of the proposed activities, this Report considers the following material:

- Environmental Impact Assessment (EIA) included in Application.
- Objections or Submissions received and the outcome of the Hearing.
- Contributions from Departmental staff (refer to section 6 in this Report).
- Feedback received from Otago Conservation Board (refer to section 6.1.12.1 in this Report).
- Feedback received from iwi (refer to section 5 and 6.1.12.2 in this Report).

In addition to the material noted in the preceding paragraph, this Report also assesses the application by reference to the relevant conservation planning documents, including:

- Conservation General Policy (May 2005)(CGP) (refer to section 6.5.1 in this Report).
- Otago Conservation Management Strategy 2016 (“Otago CMS”) (refer to section 6.5.2 in this Report)

## 6.1 Effects on Conservation Values

### 6.1.1 OVERVIEW

Details of the proposed works

Refer to plans in Appendix 2: Southern Land Development Consultants (SDC) Proposed Shadow Basin Works and Table 1 below for area, cut and fill figures.

#### Road access change

- This Application also involves changing the road access to the site. A total of 10,000m<sup>2</sup> of area will be disturbed to form the road access.

#### Trails (two)

- The ‘Upper Calypso’ is a 30m wide trail which will link the new top station location with the existing Shadow Basin ski run. The main Calypso trail travels 365m at an average slope angle of 24%. It is 30m wide across the trail surface with the greatest fill area covering 18m horizontal span or 22m fill batter below the trail surface. This new trail links to the top of the existing Calypso trail northwest of the proposed top station. The Calypso trail will necessitate approximately 40,000m<sup>3</sup> of cut and fill material to construct.

- The 'Cushion trail' traverses the ridgeline and terminates at the Alta Chute. This trail is narrower (15m) than Upper Calypso and is approximately 183m long over an area of 4,074m<sup>2</sup>.

Note: The "Highway Extension Trail" as shown on the plans in Appendix 2 is part of the proposed upgrading of the access road.

#### Stream bed

- The stream bed from the Shadow Basin lift to the Base building will be altered.

#### New Shadow Basin Passenger lift system (general)

- The proposed Doppelmayr chairlift is a 6 seat, detachable chair with 53 carriers. It will increase the carrying capacity from 1,500 persons per hour to 2,400 persons per hour.
- In total the entire proposal necessitates earthworks of approximately 130,000m<sup>3</sup> of cut to fill material.
- A total of 23,700m<sup>2</sup> of area will be disturbed to form the proposed ski trails and top station. The Earthworks will require a total of 49,050m<sup>3</sup> of bulk cut and 49,000m<sup>3</sup> of fill.

#### Bottom station and chair storage building

- The bottom station will be 6.921m in height above the finished ground level and the canopy structure over the passenger lift system will measure 9.89m wide and 21.99m long.
- The bottom station will be located 1,612 masl. Beside this station will be a chair storage building. This building will be approximately 25m long by 6m wide (maximum dimensions). The bottom station earthworks require 10,800m<sup>3</sup> of material to be removed from site over an area of 3,924m<sup>2</sup>.

Located close to the base building. The site is readily accessible using trucks, diggers and cranes from the main access road.

Spoil will be redistributed either within the head lease area or reused in fill areas e.g. the proposed road access changes.

#### Top station and integrated lift operator building

- The top station is located within Shadow Basin, below the ridgeline. The ground level at the top station is at an altitude of 1,986 masl. The top station has a maximum height of 6.921m above finished ground level. The canopy over the passenger lift system components is the same size as the lower station being 9.890m wide and a maximum of 31m long.
- The top station will be the same building design as the bottom station. This is positioned higher than the current station and will require 2,350m<sup>3</sup> of cut.
- In addition, the top station has an integrated lift operator building with storage space. This proposed building will measure 3.704m in height above finished ground level, 8.09m wide and 6.09m long.

Access will be via the proposed modified road access, existing trails or by helicopter.

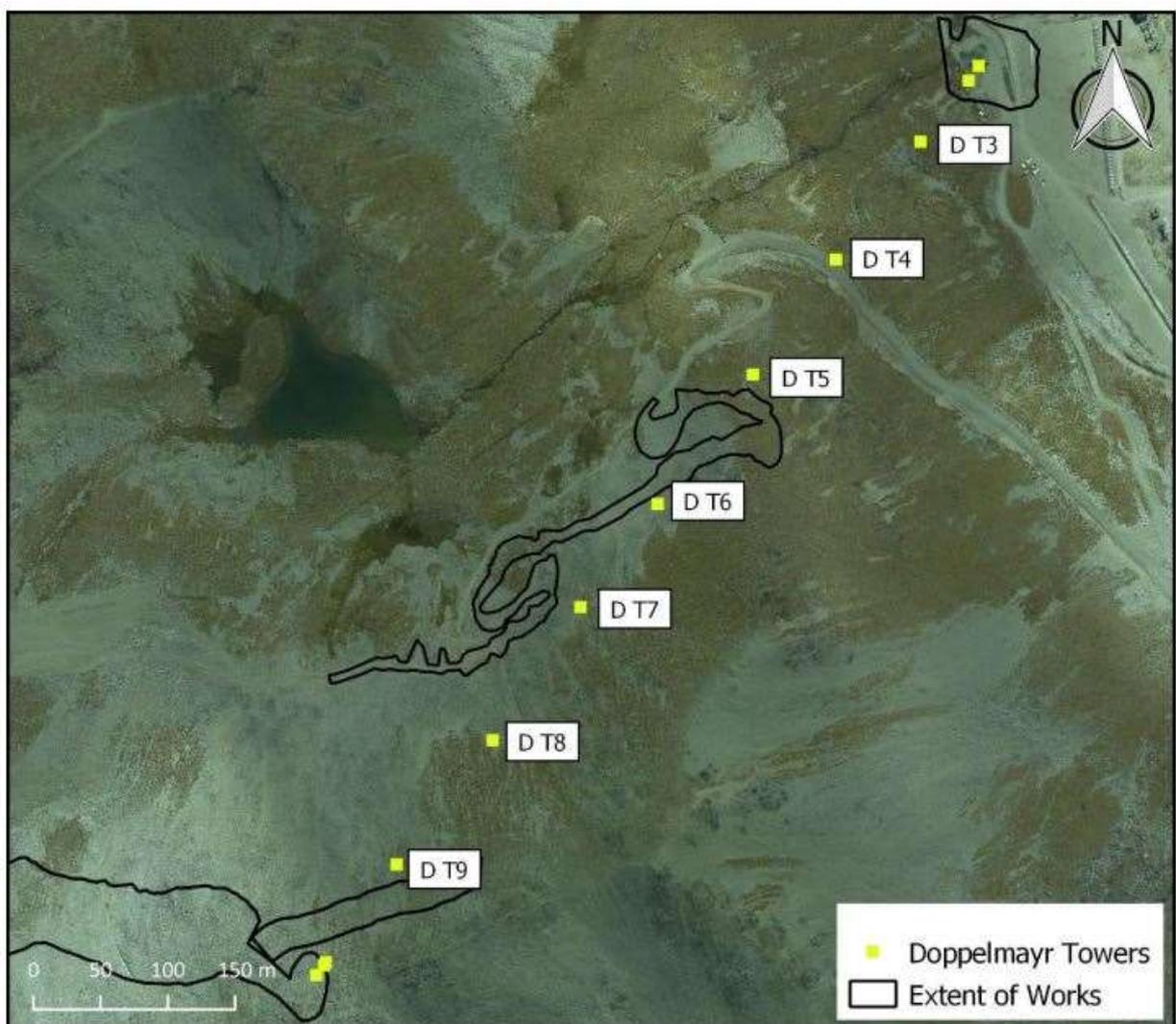
#### Chairlift towers

- 11 towers<sup>4</sup> ranging from 5.7m – 15.54m will support the chairlift. See Figures 6 & 7 below.

Work will occur with an excavator using existing tracks and the modified road access wherever possible or as new trails are formed. Blasting may be required at some sites.

Concrete footings (each tower footing 3m x 3m) will be created and excavated material, either vegetation or rocks, will then be replaced after the tower has been erected or utilised in fill areas. Concrete will be poured, and the towers installed, by either crane or helicopter depending on the accessibility of the location.

The towers are shipped as individual components and full onsite assembly is required. The towers will be pre-assembled to a maximum liftable weight for installation then transported to individual sites. The maximum weight of 1500 kgs per section for helicopter lifting. The towers in close proximity to the stations will be installed by crane.



<sup>4</sup> The existing Shadow Basin passenger lift has 16 towers which will be removed and remediated back to ground level.

Figure 6: Location of the proposed Doppelmayr lift towers to be read in conjunction with Figure 7 below (Figure 5 image from Application EIA)

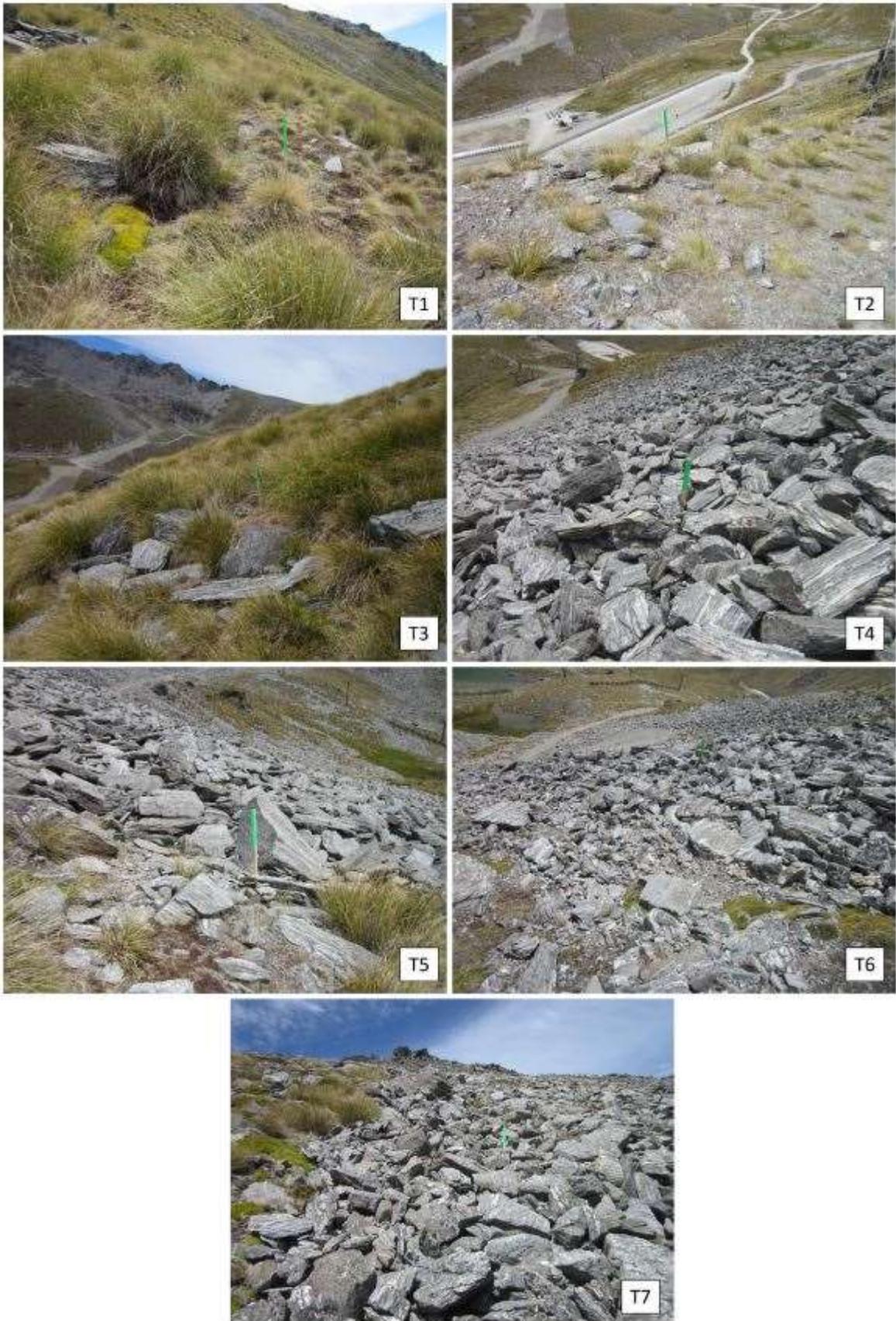


Figure 7: Photographs of the proposed Doppelmayr lift tower locations to be viewed in conjunction with Figure 6 above (Plate 8 in application EIA).

Other infrastructure

- Over a distance of approximately 1.3km a trench will run through modified terrain to facilitate the installation of snow making infrastructure - being water pipe, airline, power cable, communications cable and fibre optic telecommunication cabling.
- The trench will be 1.2m deep and a width of 1m. It is the final step in earthworks winding up already modified terrain to facilitate pit and snow gun installation at approximately 50m spacings.
- In all 39 pits and a mix of fan guns and Lance (Stick) guns will be located along the buried infrastructure.

Table 1: In accordance with Southern Land Development Consultants plans in Appendix 2<sup>5</sup>

Description	Area (m <sup>2</sup> )	Cut(m <sup>3</sup> )	Fill (m <sup>3</sup> )	Balance	Sheet No
Bottom Station	3,900	10,800	300	-10,500	E301-E302
Trails & top station	35,300	-53,200	55,600	2,400	E305-E309
Access Road change	15,900	-12,500	10,000	-2500	E312, E314-E316

Decommissioning of old Shadow Basin Chairlift

The existing chairlift<sup>6</sup> will be decommissioned and removed from site.

District Office requested that *Decommissioning of the existing lift will need to be undertaken in a manner whereby the structures are removed from the site with careful care for the environment. The site will need to be restored in accordance with the revegetation protocol.* District Office asked for the following conditions to be imposed (blue text):

- *Prior to works commencing on the decommissioning of the lift, the Concessionaire must submit a decommissioning project plan to the Grantor and the independent monitor.*
- *The independent monitor must visit the site before and following works occurring.*
- *The concessionaire must notify the Grantor when decommissioning and rehabilitation is completed so that a final inspection can be carried out by the Grantor and the independent monitor.*

Refer to proposed special conditions 30-32 and clause 7 (Schedule 3A protocols) in Appendix 1 in this Report.

Helicopter access

<sup>5</sup> [DOC-7220490](#) Southern Land Development Consultants plans

<sup>6</sup> Concession Number PAC-13-06-42-04; Remarkables chairlift easement, letter “P” on SO 22561 (recorded as [DOC-2799758](#))

The Construction Management Plan submitted with the application states that all helicopter operations are to be approved by DOC via a landing permit. The Otago CMS (Table 3.6.2) states that *NZ Ski controls aircraft access within the ski field lease area*.

Helicopter movements must take place during construction hours i.e. between the hours of 7am to 6pm Monday to Friday, and 7am to 5pm on Saturdays, and away from the public wherever possible.

Refer to discussion of helicopter use in section 6.5.2 (Otago CMS; 3.6 Aircraft), inclusion of helicopter use in section 7.1 Concession Activity, and hours of work proposed special condition 11 in Appendix 1 in this Report.

### Colours

All buildings and structures (including roofs) e.g. the station/terminal and operator building, will be made of non-reflective materials and colours as described in the application. The colour of the towers will be commensurate with existing towers within the Remarkables ski area, see Figure 8 below.



Figure 8: Example of paint colour and galvanised “head” structure from Application

### Construction timeline

No timeline has been given for establishment of the proposed infrastructure and disestablishment of the lift to be replaced. It should be noted that all heavy machinery is to be off the site by May 1<sup>st</sup>.

### Rehabilitation Protocol

DOC and the Applicant have an agreed set of revegetation protocols called “*Protocol for the rehabilitation of natural alpine environments following ski area development*” which establish the agreed expectations for revegetation of any areas in which works occur. Further species and site-specific details are included in proposed special conditions 19-21 and 26-29 in Appendix 1 in this Report.

### DOC ecological assessment

A detailed ecological assessment<sup>8</sup> was carried out by DOC’s Technical Advisor Ecology. Refer to section 6 in this Report.

<sup>7</sup> Refer to Appendix 1 in this Report (Schedule 3A)

<sup>8</sup> Recorded as [DOC-5620007](#)

Site visit [3 April 2023]

The selection of photos and narrative descriptions below have been excerpted from the site visit referred to in the District Office contributions from section 6 in this Report.



Figure 9: existing chairlift alignment in situ (Figure one in District Office contributions)



Figure 10: existing bottom station and area of proposed stream alignment (Figure two in District Office contributions)



Figure 11: Ross Lawrence (Ski area Manager) pointing out the new alignment. The existing alignment can be seen in the background (Figure three in District Office contributions)



Figure 12: Mark Williamson (ski area Assistant Manager) and Aaron Fleming (DOC Director and Decision Maker) looking down towards the proposed alignment (Figure four in District Office contributions)

#### 6.1.2 Geotechnical (land stability)

The Applicant included the following statement in its Application:

*“4.6 Natural Hazards and Geotechnical Investigations*

*The proposed passenger lift system is to be constructed in an alpine environment where several natural hazards exist. NZSki Ltd have considered the following matters:*

- Rock fall potential hazard*
- Snow avalanche hazard*
- Wind*
- Flood risk, erosion or debris flow*

*The avalanche paths in the area are mapped and well understood. The applicant operates a robust avalanche control programme and the avalanche risks are managed. The avalanche risk is not allowed to build up sufficiently to cause damage to structures and avalanches are triggered by bombing to reduce their presence and risk to The Remarkables Ski Area.*

*The lift structure has been designed appropriately for loads calculated in accordance with the relevant New Zealand Standards. In particular wind and snow loads on the built structures have been assessed using the relevant standard from the 1170 suite of loading standards.*

*Foundation stability and bearing capacity for the lift bottom station, tower foundations and top station are to be calculated by NZ engineers to meet New Zealand Standards.*

*The foundation ground materials are considered suitable for the passenger lift system. Foundations conditions are anticipated to be either over consolidated glacial till or rock. High allowable bearing capacity is anticipated from these materials.*

*No signs of instability at the foundation locations has been identified. Any return period of rock fall from this area appears to be in the order of hundreds of years and the return period for such an event is consistent with the design return period for other natural phenomena such as wind and earthquake loading given in the loading standard NZS 1170.0.”*

The Department can confirm that the Applicant has experience in operating in an alpine environment with the necessary health and safety policies in place.

#### 6.1.3 Earthworks

There are extensive earthworks associated with this proposed activity.

The earthworks for the bottom station/terminal, operator building and towers (including gabion) will be considered under the Head Lease, in an already heavily modified area.

The slope contouring (which includes cut and fill works) to establish the trails associated with the new passenger lift system is the largest single area of disturbance (see plans in Appendix 2). The reshaping works are required to ensure sufficient clearance above the ground for the chairlift, for the formation of new trails and trails to connect with existing trails. The fill would be used to create a more natural contour across an area which has previously been partially modified and to link up with existing trails. The slope will need to be revegetated and it is likely some nursery stock will be required for this.

The fill which cannot be used for reshaping the slope would be deposited within areas where modification has previously been authorised, such as on roads where it can be used for maintenance and re-surfacing or removed off-site.

The Applicant proposes to recontour 20m of streambed of an unnamed tributary of Rastus Burn (1.5km downstream of Lake Alta), 10m of which has already been modified, shifting a man-made waterfall upstream by 10m to raise the profile of the stream bed to allow for installation of the

infrastructure for the ski field. This has been covered in the e3 Scientific Lower Shadow Basin Lift Station Freshwater Assessment<sup>9</sup>.

DOC Technical Advisor (Freshwater) advised:

*“While fish are not expected to be present at site, recent surveys have shown a range of macroinvertebrates. There is expected to be a temporary loss of habitat and macroinvertebrate community as a result of this activity, however, the applicant proposes stockpiling of material and immediate reinstatement, and is confident that the site will be recolonised from upstream shortly after works cease. I agree that this is likely if habitat is reinstated as quickly as possible, and in a way which recreates as near as possible the previously existing habitat.”*

District Office stated that *“The ground disturbance of this application is extensive. While there are no known heritage sites in the area, it will be important that the Accidental Discovery protocol is included to ensure that any accidental finds are managed appropriately.”*

District Office proposed the following ADP condition:

*Accidental Discovery Protocol (ADP) for Cultural Heritage on Conservation Land*

*The Department of Conservation is responsible for all cultural heritage discoveries on conservation land. It is also responsible for contacting the appropriate parties for any discovery.*

*The Concessionaire, and their contractors, must take all reasonable care to avoid any cultural heritage values on the Land and/or in the Water which includes (but is not limited to) archaeological sites, historic heritage sites, koiwi/burials, artefacts/taonga and protected New Zealand objects. For Māori cultural heritage values sites, evidence of a site may be in the form of shells, bone, charcoal, hangi stones exposed during earthworks or seen eroding out of a shoreline or riverbank, for example. Other features maybe include pits or low stone formations. Artefacts/taonga maybe in the form of toki/adzes, fishhooks, flake tools, wooden/textile objects. Later sites of Pakeha or Chinese origin may be indicated by the presence of broken glass, crockery, clay pipes, slate, metal, match boxes, cutlery etc. and structural features built of rock, brick, concrete, and metal as well as features such as gold tailings, sluice faces, water races, dams, reservoirs. Burials/koiwi may be found from any period and from any ethnic group.*

*In the event that a suspected site, place, object or koiwi/burial of cultural origin is found during any work on the Land and/or in the Water, work must cease immediately, and advice must be sought from the Whakatipu office of the Department of Conservation. The discovery must be GPS'd and photographed in-situ showing close views of the cultural heritage find and showing surrounding views of the area for context. This recording is important to inform on management of the find. The Concessionaire, must not recommence work until permitted to do so by the Department of Conservation.*

Refer to proposed special conditions 41 (Accidental Discovery Protocol) in Appendix 1 in this Report. Note: this proposed condition, whilst not as comprehensive as the District Office ADP above is the standard Schedule 3 special condition included in standard template documents and should be used until such time as a review is carried out.

#### 6.1.4 Access to the site

As the lift and trails are in new terrain the primary method of access will be along existing trails, the two new trails to be created and the proposed modified road access. Access will need to be closely

<sup>9</sup> [DOC-7220577](#): e3 Scientific Lower Shadow Basin Lift Station Freshwater Assessment

managed by the independent monitor<sup>10</sup> to ensure best practice is occurring and the most appropriate lines are being selected, especially when using a 20-tonne excavator.

Although much of the access route is across rock, excavator tracking will disturb vegetation. The proposed route of access disturbs similar values as those previously authorised in numerous other developments within the ski area such as the Sugar Basin and Curvey Basin chairlifts.

With respect to vegetation disturbance to tall tussock and rock communities along the route of excavator access. The Applicant accepts the specific additional recommendations contained in the E3 report:

- tracking across rock wherever possible (the proposed route has been chosen to maximise this opportunity).
- temporarily place rocks into the excavators path to reduce damage to vegetation that cannot be avoided. Remove immediately after transit.
- identify any presence of *Aciphylla lecomtei* along the proposed route and if found remove them, reinstate on completion and follow up 12 months later to determine survival and any other measures required.
- ensure photo monitoring points are established to track the progress of reinstated vegetation.

With respect to excavator access, the application has been reviewed by a DOC Technical Advisor (Ecology). This review provides assurance that the Application has correctly identified the representativeness of species likely to be disturbed by this proposal and their ecological significance.

Effects on landscape values with respect to the excavator access are likely to be short lived as the natural restoration of tussock communities, and the rehabilitation protocol are well practised and understood. This includes Remarkables sourced tussocks that are grown off site from seed and re-introduced to supplement the immediate replanting.

#### 6.1.5 Sediment control

A site settlement control plan was included in the application as Appendix [E] which is the protocols included in Appendix 1 (Schedule 3A) in this Report with the Applicant required to meet the conditions in clause 5. Management of soil erosion and sediment control.

There is the potential for sediment from the earthworks and construction activities to be released into the environment. The Applicant lists a number of measures to minimise the risk of this occurring, including minimising the area of disturbance and keeping spoil away from drainage routes. Work will not occur during periods of heavy rain, and fabric fences, sandbags and silt traps will also be used.

The Applicant has experience in managing sediment run off from previous excavation works. Any runoff here as the development progresses is not expected to be significant.

Refer to proposed special conditions 16-17 and clause 5 (Schedule 3A protocols) in this Report.

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<sup>10</sup> Refer to proposed special conditions 1(f) and 3(c) in Appendix 1 in this Report.

## 6.1.6 Effects on ecological and geological values (general)

*Recommendation Report (Issue 10) Biodiversity impacts (of installation and removal of infrastructure)*

### Forest & Bird (Objection 17)

Matters raised in objection:

- (a) It is difficult to determine if the ecological assessment includes the removal of the existing infrastructure which is being replaced/realigned. It doesn't appear that this has been assessed, but should be. (item 3.2)
- (b) The granting of the application, the associated earthworks and removal of indigenous vegetation will result in cumulative effects of change to the landscape and potential loss of biodiversity. This application needs to be considered in light of its additional and cumulative impacts, as well as its direct impacts. (item 4)
- (c) Extensive earthworks are proposed, not only for the construction of the new lift towers, but also for ski trails, access and snow making infrastructure (and presumably the removal of the old infrastructure in its existing alignment). (item 5)
- (d) Forest & Bird made general comments on the ecological assessment (item 6-14) in its objection.
- (e) Forest & Bird had concerns about the herpetological assessment:
  - (i) The herpetological assessment did not observe any lizards, or signs of lizards. However, this is likely because of only five hours of lizard surveying undertaken. The proposal area, which consists of exposed rock, loose rock, shards, scree, cushion field and patches of indigenous tussockland, is typical of lizard habitat. Although none were found, it is likely that they are present. (item 15)
  - (ii) The discovery of one peripatus/ngaokeoke. (item 16)
- (f) Forest & Bird commented that the application did not include an invertebrate assessment. (item 17-18).

### Queenstown Climbing Club (OCC) (Objection 21)

#### *Shadow Basin*

*17. While it is accepted that with the SASZ lift structures and some earthworks are anticipated, we consider the proposed earthworks will result in significant modification of a highly natural slope. The north facing slope is a highly natural talus and cushion field slope which is highly visible and forms part of a natural and scenic basin. We consider the proposed earthworks, including those associated with the construction of the lift, will result in significant adverse effects on the visual amenity and natural character of Shadow Basin.*

### UphighNZ (Objection 23)

The majority of UphighNZ's objection (including speaking at the hearing) focussed on the Lake Alta cirque (refer to Issue 6). Excerpts from UphighNZ's written objection have been included

below and Appendix 2 includes hearing notes and slides 1-10 that supported Guillaume Chartons' presentation at the hearing.

- *The proposed location of this chairlift reaching the vicinity of the ridge line would be the highest and the first of its kind in the Wakatipu. Because of its location this will have localised, regional effects which would affect the natural environment and its recreational users who head to the Remarkables, which is public and conservation land, for the very reason to enjoy what the Remarkables have on offer: a true natural alpine environment and one of the best of its kind in New Zealand.*
- *The slopes below the chairlift on the Lake Alta and Shadow Basin sides being fragile rock screes featuring fragile alpine plants and hosting alpine insects and birds would be impacted by future skiers in winter but also by snow management (avalanche control bombing, snow machine, snow guns and all the infrastructures). Not only the alpinists will be environmental but also visual from the Lake but also as far as from Arrowtown, and around the basin. In night-time snow management and other NZSki activities would beam light and sound across to the quiet and fragile Lake Alta environment and this is of great concern.*
- *There is a strong argument against this proposal because NZSki is already going beyond what the natural and public environment can provide. The water used out of Lake Alta by NZSKI is beyond reasonable and with this new large development of new skiing slopes more will be taken of Lake Alta. From The Guardian: "...nor is artificial snow likely to provide much relief: a recent study by the University of Basel calculated that the water consumption of ski resorts who turn to snow canon could rise by an unsustainable 80%". In the case of adding another chairlift and more slopes there would be a clear increase demand of snow making and of water which would be addition to the ever-increasing water needs on the ski field.*
- *By adding a new chairlift and a new skiing area NZSki will put even more pressure on infrastructures that are already at capacity and not adequate (car parking, roading, transport, water and electricity). This has had already serious repercussions on the community with traffic jams going all the way down to Frankton in 2021.*
- *Access: With winches (for snow machines), snow guns, avalanche control (bombing) on the slope around the proposed chairlift, access to the ridge line of the Remarkables will be compromised and climber and hikers wishing to head to the nationally and internationally known Grand Traverse of the Remarkables and its West Face will see this opportunity disappearing. To note that these users need to hike up as early as 5am for safety reasons (snow conditions).*

#### Ross Copland (Submission 12)

Submitter in support of proposal included detailed comments on the installation of the passenger lift system and associated infrastructure, including a section titled "Snowmaking and Trail Development Context" and how the land would be impacted on page 3-5 of the document attached to his submission<sup>11</sup>.

Applicant right of reply (refer Appendix 3) on objections and submissions received in relation to Biodiversity impacts (of installation and removal of infrastructure)

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<sup>11</sup> [DOC-7285240](#)

Note: Item 2 below is bullet-point 2 only and item 3 bullet-points 3, 4 & 7 from the Applicant's right of reply.

*Substantive issues – points of clarification or correction*

2. *To clarify the need for a new lift alignment and higher elevation (F&B, FMC):*

- *The realignment of the chairlift has multiple benefits:*
  - *It allows the construction works to completely avoid regionally significant wetlands by moving the chairlift line away from those areas. Therefore the works have significantly less potential adverse effects than a straight like for like replacement. Forest & Bird acknowledges this as a positive of the proposal at para 6 of their submission.*
  - *The higher elevation of the top terminal provides safer access to ski terrain that is already part of the ski area and used by many people. It also increases access to the area including for those with accessibility issues.*
  - *Like-for-like replacement of the existing chairlift is not desirable for the reasons above and is not possible because modern infrastructure is built to much higher standards than the existing 37 year-old lift. As well as increased safety the new lift also has less tower locations, enhances operating efficiency and increases customer amenity.*

3. *Turning to ecological and landscape values (F&B, NZAC, UpHigh)*

- *NZSki has a strong track record here including:*
  - i. *Extensive predator control*
  - ii. *Reinstatement where disturbance is unavoidable*
    - 1. *Lake Alta pipeline*
    - 2. *Sugar trail relocation and regeneration*
    - 3. *Wetland enhancement and extension*
  - iii. *Extensive native revegetation programmes*
  - iv. *Extensive weed control measures on the conservation estate*
- *With regards to the discovery of the ngaokeoke, the tower locations and construction methodology has been modified to specifically exclude this area.*
- *NZSki has an existing protocol with DOC covering revegetation. We always exceed this and deliver a net positive benefit to the ecology in the areas in which we operate. We would be happy to strengthen our existing protocols with DOC to reflect our commitment to a net positive conservation benefit.*

The Application included the following documents<sup>12</sup>:

- Appendix [F] e3 Scientific – Shadow Basin Terrestrial Ecological Assessment (February 2022) (recorded as [DOC-7221093](#));
- Appendix [G] e3 Scientific – Lower Shadow Basin Lift Station Freshwater Assessment (March 2022) (recorded as [DOC-7220577](#));
- Appendix [H] Blakely and Associates - Remarkables Ski Area, Shadow Basin Chairlift Replacement, Landscape and Visual Assessment (February 2022) (recorded as [DOC-7220579](#)); and
- Appendix [I] Wildlands Herpetologist Survey (recorded as [DOC-7220581](#)).

<sup>12</sup> [DOC-7221154](#): Link to spreadsheet with Application documents

The main concern Forest & Bird had was that the Application did not include an invertebrate assessment.

It will, of course, be up to the Decision Maker to decide if there are deficiencies in any of the assessments listed above to decide whether or not sufficient information to supplement these reports has been provided in contributions by operational and technical staff (including proposed conditions) to not warrant a reassessment of certain aspects of the ecological report.

As part of this reassurance to the Decision Maker, the e3 Scientific ecological report and Wildlands Herpetologist Survey has been reviewed by a DOC Technical Advisor (Ecology). This review provides assurance that the e3 Scientific assessment has correctly identified the representativeness of species likely to be disturbed/removed by this proposal and their ecological significance.

The effects on wildlife (section 6.1.7 in this Report) and vegetation (section 6.1.8 in this Report) have been discussed below and action items by the DOC Technical Advisor (Ecology) have been included at the end of the discussion on vegetation as well as any proposed conditions for the Decision Maker to consider imposing.

#### 6.1.7 Effects on wildlife

The proposed earth disturbance area traverses habitat of threatened lizard and bird species.

New Zealand pipit and exotic bird species were noted as present by the Applicant. There is also the potential for kea and falcon to be found in the area. Based on previous nearby DOC surveys a number of invertebrates, lizards, skinks and birds are present in the Remarkables habitat generally. These include kea, pipit, common skink, cryptic skink, McCanns skink, green skink, large Otago gecko, Southern mini gecko, giant speargrass weevils, high alpine moths, alpine cicadas, flightless chafer beetles, alpine spiders and velvet worm.

As there will only be temporary removal of habitat, and even though the proposed activity is small relative to the overall Rastus Burn Recreation Reserve, the effect of this particular development on the bird's habitat is considered to be more than minor. An indirect effect of the proposed activity is nest abandonment by alpine bird species resulting from earth disturbance activities such as excavator use and helicopter movements.

There is a risk that birds could be disturbed by the works. Conditions have been proposed which require a survey be carried out by a suitably qualified ecologist/herpetologist prior to disturbing any wildlife habitat and to implement any resulting recommendations. If birds are identified, and cannot be avoided, a Wildlife Act permit from DOC will be required. Other wildlife, such as lizards and invertebrates (including Peripatus/ngaokoeko) are to be managed by proposed conditions, and these are discussed in section 6.1.7-6.1.8 in this Report.

In the context of area to be disturbed, temporary displacement habitat available, the surveys offered and known habitat rehabilitation methods employed by the Applicant, that effect to wildlife as a result of this proposal, whilst considered more than minor, is able to be mitigated by conditions.

Of note, is that as part of the rehabilitation protocol<sup>13</sup> an independent monitor (who is an ecologist with significant experience in skifield rehabilitation) monitors works to ensure that implementation during construction restoration/revegetation works occur as planned, over time.

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<sup>13</sup> Appendix 1, Schedule 3A

#### 6.1.8 Effects on vegetation

Due to the variety of ecosystems involved, it is recognised that the degrees of success in revegetation will vary. Cushion plant communities are likely to take many years to re-establish even with translocation and re-seeding.

The e3 Scientific assessment in the Application identifies a number of plant species affected in this zone (both cushion plant and rock-field communities). The ecological significance of these is examined in the assessment and the ecological effects assessed as being very high on conservation values that warrant avoidance and/or extremely high intensity mitigation and remediation.

This acknowledges that these communities have a high value in terms of their degree of representativeness and as such disturbance may be considered a high ecological impact. However, these effects are seen in the report as able to be significantly reduced to a level that may be considered minor, provided contemporary construction and restoration methods adopted by the Applicant are employed.

Current re-vegetation/restoration management practices on site by the Applicant are well developed and include such measures as careful stripping, silt management, storing and re-instatement; as well as cushion plant seed collection and dispersal over disturbed rocky ground.

Experience has shown that where material is stripped, there can be a shortage of material to replant into the disturbed ground. This shortfall is made up in three ways:

- with tussocks, seed is being collected from the Remarkables and grown at a nursery off site for later replanting of shortfall areas;
- with cushion plant material, seed is collected and distributed into bare and rocky ground; and
- where material is unlikely to be available or successful, some rock landscaping has been used to good effect. This mirrors sections of rock landscape naturally found.

With respect to re-instating *tussock* communities, experience has shown that subject to good contractor methods, oversight and growing seasons, tussock landscape values can be reasonably restored in 3-5 years. There are several examples of this, notably:

- the many new snowmaking lines with associated buried pipes and cables;
- the works beside the 4WD access road to the top of the Alta Chair;
- the recent Sugar Basin Chairlift replacement;
- the Curvey Basin Chairlift;
- the trenching to bury the pipeline to the edge of the Rastus Burn Recreation Reserve; and
- most recently burying the pipeline up to Lake Alta.

There is no doubt that disturbed cushion plant communities require additional methods and take longer to fully recover. The extent of cushion plant communities to be disturbed by this current proposal, and the current techniques used on site to strip, store and replant material, the ongoing collection and dispersal of seed and the availability of rock on site to immediately landscape any remaining exposed earth, provides enough assurance that the long-term effects resulting from this proposal to vegetation will not be significant, however, it may take many years, likely decades to complete.

With respect to vegetation disturbance to cushion and rocky areas in the alpine basin, the Applicant accepts the specific additional recommendations contained in the e3 Scientific assessment. Of note, is that as part of this rehabilitation protocol, an independent monitor (who is an ecologist with

significant experience in skifield rehabilitation) monitors works to ensure that implementation during construction restoration/revegetation works occur as planned, over time.

6.1.7-6.1.8 DOC Technical Advisor (Ecology) recommendations:

*Action: The Department requires more information from the applicant regarding the timing of the removal of plants and the care that will be provided to ensure survival.*

*The ecological assessment and survey are incomplete for Shadow Basin and needs to be done prior to works commencing for the Department to understand the ecological impact and the cumulative effects. In addition, additional compensation measures will be required based on the ecological values found at these sites.*

*I agree a survey for Threatened and At-Risk indigenous birds is required by the applicant prior to any works commencing. The survey should also include Rock wren (Threatened – Nationally Endangered). And both nesting and foraging / hunting activity needs to be recorded by the ecologist. Of particular concern are kea and rock wren using Shadow Basin or areas adjacent for foraging or nesting habitat.*

*Given the limited nature of the lizard survey (a one-day survey by the Wildlands herpetologist) where no lizards found, yet lizard habitat has been noted as being present throughout the site. There is the potential for lizards to be present and the activity may lead to injury and death of indigenous lizard species. In addition, the activity will lead to the disturbance / destruction of lizard habitat.*

*We (the Department) do not have enough information from the applicant (or their herpetologist) to confidently say there will be no impact to lizards or lizard habitat. The herpetologist recommends an Incident Encounter protocol provided for the applicant to implement during the construction works in the likelihood of lizards being found. I believe if lizards are present, they will easily be missed by untrained construction workers on the ground or from machinery. Leading to injury and death of lizards.*

*Given lizard habitat has been described as being found throughout the Shadow Basin site, the Department should insist on a thorough lizard survey of the site prior to any approval being given for this activity.*

*Note: Indigenous lizard species, McCanns skink (Oligosoma maccanni); Not Threatened were observed by the e3 Scientific ecologist in the tussockland at the Carpark 2 site). Therefore, we know lizards are in the skifield area. Pg. 32 of e3 Scientific Ecological Assessment report.*

Technical advice from DOC's entomologist:

*I've had a thorough read of the ecology and engineering reports regarding the Remarkables Skifield development in Shadow Basin. As you point out, the Wildlands survey found a Peripatus Velvet worm (while searching for lizards), and this is a significant find. I consider the species is Peripatoides novaeselandiae, a relatively common taxon that is not listed as threatened.*

*However, Velvet worms are naturally uncommon throughout New Zealand and any location are important for understanding their ecology and life history. Other known sites of Peripatus near to the Remarkables include the Earnslaw Burn and Danseys Pass (pers obs.).*

*The Wildlands find appears to be a new location record for P. novaeselandiae and was a surprise given the elevation (1900m asl) and the ecological community which comprises patchy semi-stable scree plants on a 30-degree slope.*

*In my view a more thorough invertebrate survey, between November and May would turn up additional interesting taxa along the proposed lift line.*

#### *Recommendations*

##### *Additional surveys*

*Prior to tower-footing earthworks, surrounding areas should be quickly checked for notable invertebrates – particularly flightless taxa (weta, grasshoppers and Peripatus). To be efficient, only a transect along the proposed chair lift line would be necessary.*

*In the E3 report, page 15, four photos show how limited the plant growth is on the proposed chair lift line and this is the type of habitat that the Wildlands report found Peripatus. In my opinion, it would be worth investigating any patch of limited vegetation – especially woody plants – for additional Peripatus but only in the vicinity of the tower footings.*

*There may be some merit in searching for Peripatus in other basins of the Remarkables ski field. This could provide more confidence about the effect of skifield disturbance on any Peripatus communities.*

##### *Predators*

*I also believe some monitoring of mammal presence during summer months would be useful for estimating the predation threat to animals such as Peripatus. Hedgehogs, stoats, cats and rats would be targets. Maybe simple tracking cards/tunnels etc would provide an indication of presence.*

##### *Potential translocations*

*If concerns exist about habitat disturbance and if additional Peripatus are found in Shadow Basin, it might be possible to shift the animals to above Lake Alta for instance.*

*In conclusion, the Peripatus find is significant. There will probably be more specimens in the Remarkables area and finding other sites that support Peripatus in the area (e.g. Wye Creek and Lake Alta) could act as translocation destinations if skifield activities were to pose a threat to the taxa.*

*Additional actions that need to be addressed by NZ Ski for the Remarkables ski field.*

*1. e3 Scientific identified in their Terrestrial Ecological Assessment that weed species (including willow (Salix sp.)) are becoming prevalent within the ski field. Weeds are often associated with developed or modified sites, road edges, carparking and the buildings. I recommend a weed survey be undertaken by an experienced ecologists to understand the diversity and spread of weeds at the Remarkables. Monitoring of weed spread and for new weed species should be undertaken on a*

regular basis. A Weed management plan should be a requirement of the Concession and weed control undertaken on an annual basis when the site is snow free. Note: Warming climates due to climate change will also promote weed prevalence in subalpine / alpine ecosystems.

2. Wildlands Consultancy Ltd undertook a lizard survey in 2021, during which the herpetologist Samantha King discovered a peripatus or velvet worm. This is an unusual find for the alpine zone as mentioned above in the comments from DOC entomologist. And invertebrate survey is required by a qualified and experienced entomologist in order to understand the diversity, distribution of invertebrate species. In addition, predator control should be instigated to control mammalian predators who specifically predate on invertebrates such as possum, mustelids, feral cats, and rodents. An invertebrate survey should be a requirement of the Concession for the Remarkables ski field. Impacts on invertebrates and their habitat should be considered prior to any new activity taking place which involves earthworks and vegetation clearance.

4. e3 Scientific identify in their ecological assessment report that rubbish from skifield activities in accumulating on the Remarkables skifield. The rubbish is accumulating often in amongst vegetation and is most obvious during the summer months when there is little to no snow present. A condition should be added to the Concession document for NZ Ski regarding this issue and how it will be addressed. Annual summer clean up events are suggested.

#### Peripatus/ngaokeoke<sup>14</sup>

The Shadow Basin lizard survey reported the velvet worm is 'infrequently encountered in the alpine zone' and 'may not have been previously discovered at such an elevation'. DOC's ecologist (Technical Advisor (Fauna – Entomology)) states that this 'appears' to be a new location. So, the key interest of this find is that it is unusual to find one so high - around 1900 metres asl, and this is viewed (by DOC's ecologist) as 'significant' information and he suspects there will likely be more found in the Remarkables if more surveying work was done.

The species found has been identified (by DOC's entomologist) as Peripatoides novaeselandiae, one of the approximately 30 types of velvet worms found in New Zealand and one of about 200 types of Peripatus worldwide.

It needs to be noted that Peripatoides novaeselandiae is not listed as threatened see - <https://www.doc.govt.nz/Documents/science-and-technical/nztcs26entire.pdf> nor are they protected by the Wildlife Act see - [https://www.legislation.govt.nz/act/public/1953/0031/latest/DLM277200.html?search=ts\\_act%40bill%40regulation%40deemedreg\\_Wildlife+Act+1953\\_resel\\_25\\_a&p=1](https://www.legislation.govt.nz/act/public/1953/0031/latest/DLM277200.html?search=ts_act%40bill%40regulation%40deemedreg_Wildlife+Act+1953_resel_25_a&p=1).

It is recommended that no further specific Peripatus survey be carried out as:

- the Applicant has confirmed that the siting of Tower 8 has been changed so that it does not compromise the (one located) Peripatus' habitat; and
- the Peripatus, identified as Peripatoides novaeselandiae, is not listed as threatened; and nor is it protected by the Wildlife Act.

<sup>14</sup> <https://www.doc.govt.nz/nature/native-animals/invertebrates/peripatus-ngaokeoke/>  
<https://www.doc.govt.nz/globalassets/documents/conservation/native-animals/invertebrates/peripatus-ngaokeoke-report.pdf>

Recommendations above aside, there should be a degree of protection afforded the potential discovery of any further *Peripatus*. This has been discussed under the invertebrate survey sub-heading below, and also reflected in proposed special condition 4 in Appendix 1 in this Report.

#### Invertebrate survey

DOC ecologists made the following initial recommendations on the need to carry out a further invertebrate survey when considering the assessments included in the Application, they are:

- prior to the lift tower earthworks those locations should be checked for *'notable invertebrates'*;
- that a more thorough invertebrate study between November- May *'would turn up more interesting taxa'*; and that there is *'merit in surveying in the other basins'* of the Rastus Burn including for possible translocation sites; plus monitoring of predators here as being *'useful'*;
- an invertebrate study is *'required'* to *'understand the diversity and distribution of invertebrate species'* plus *'predator control should be instigated'*;
- that *'impacts on invertebrates and their habitat should be considered prior to any new activity involving earthworks and vegetation clearance'*.

Further advice from DOC's entomologist:

*At each proposed lift tower site, carry out a pre-works invertebrate survey. Note the presence of any Peripatus, weta, grasshoppers, beetles, spiders, slugs, butterflies and moths. Should any of these invertebrates be present within the area of disturbance, collect the live animals (if possible) and move them no less than 100meters away to an equivalent habitat. This is particularly important for the immobile or slow moving and flightless invertebrates (e.g. Peripatus).*

There have been numerous invertebrate related surveys carried out within the Rastus Burn Recreation Reserve, and a selection is listed below:

- Included in this Application. Appendix [F] e3 Scientific – Shadow Basin Terrestrial Ecological Assessment (February 2022)<sup>15</sup>;
- An ecological survey of the Rastus Burn Basin and Remarkables Skifield Area (By Neill Simpson, Ecologist/botanist, Conservation Consultancy Limited) October 2020<sup>16</sup>
- E3 Lower Sugar Bowl Trails Ecological Assessment (May 2018)<sup>17</sup>; and
- 1992 survey in the Rastus Burn (Patrick et al 1992): [Lepidoptera and other insects of the Rastus Burn Basin, The Remarkables, Otago \(tandfonline.com\)](#)

The granting of the Sugar Bowl chairlift replacement (permission number 69588-SKI) included a special condition that resulted in the Simpson 2020 ecological survey of the entire Rastus Burn Recreation Reserve (not just the skifield area). The intention of the Simpson survey was to inform on ecological matters related to future applications made by the Applicant within the Rastus Burn Recreation Reserve. The Simpson survey refers to the 1992 Patrick report with respect to invertebrates, considered as a comprehensive survey at that time. The time to ask for further general invertebrate survey work (if the Department considered the Neill Simpson survey report was lacking in that aspect) would have been on receipt of the report.

<sup>15</sup> [DOC-7221093](#)

<sup>16</sup> [DOC-6951057](#)

<sup>17</sup> [DOC-5562023](#)

In summary, no invertebrate species known to exist at the proposed activity location are threatened. Despite the scale of the proposed works, it is still only a small part of the Rastus Burn Recreation Reserve and the Applicant has a history of ongoing and successful revegetation programmes.

It is considered that it would be unreasonable to ask the Applicant to provide a further Rastus Burn wide ecological report, and that sufficient information has been provided in this Application (and from other ecological surveys) to satisfy the Decision Maker that the effects on invertebrates overall is low, and that no further invertebrate surveys are required for this proposal.

This aside, there should be a degree of protection afforded the presence of any invertebrate discovered within the lift disturbance area, and this has been reflected in proposed special condition 4 in Appendix 1 in this Report, as excerpted below in *italics*:

#### *Establishment of the Concession Activity*

##### *Invertebrates (including Peripatus/ngaokeoke)*

- 4. The Concessionaire must ensure that at each lift tower site a pre-works invertebrate survey is carried out by an ecologist/entomologist approved by the Grantor, noting the presence of any invertebrate (including Peripatus/ngaokeoke). Should any invertebrates be present within an area of disturbance, collect the live animals (if possible) and move them no less than 100 metres away to an equivalent habitat. This is particularly important for the immobile or slow moving and flightless invertebrates (e.g. Peripatus/ngaokeoke).*

##### Lizards

The Wildlands lizard assessment<sup>18</sup> that was included in the Application identified no lizards at the proposed activity location. This assessment is also consistent with the ecological survey of the entire Rastus Burn Recreation Reserve as carried out by Neill Simpson in October 2020<sup>19</sup> that recorded no lizards at altitudes above 1,550 metres asl, noting that most of the earthworks are at the top of the Shadow Basin passenger lift at around 1950m. Section 7.0 Fauna excerpt from Neill Simpson's ecological survey below:

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<sup>18</sup> Appendix [I] Wildlands Herpetologist Survey (recorded as [DOC-7220581](#)).

<sup>19</sup> An Ecological Survey of the Rastus Burn Recreation Reserve Area – October 2020 (recorded as [DOC-6951057](#))

## 7.0 FAUNA

Birds are found in the upper areas of the Remarkables and a few species nest here. Black backed Gulls (*Larus dominicanus*) were present and are known to nest beside Lake Alta and other alpine lakes. Paradise Shelduck (*Tadorna variegata*) frequent the upper valley and pipits (*Anthus novaeseelandiae*) are common. Three kea (*Nestor notabilis*) were seen in Shadow Basin during the survey. Kea are listed as Nationally Endangered under the New Zealand Threat Classification System (Robertson et al, 2016) and Endangered, population trend decreasing by the IUCN Red List (Birdlife International, 2017). Eastern falcon (*Falco novaeseelandiae novaeseelandiae*) classified as Recovering, have been seen in the Rastus Burn. An insect survey was carried out in 1992 by a group of entomologists (Patrick et al.1992) and a wide range of insect species were recorded. Many species of flies, beetles, spiders were seen during the survey, also cicadas, grasshoppers, caterpillars, butterflies and moths. Stone flies and mayflies frequent the lakes. Extensive surveys for lizards in the Remarkables and in particular the Rastus Burn valley have been undertaken by

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herpetologists including by Carey Knox. In 2019 Knox surveyed the Sugar Bowl area in relation to the new lift to be installed for NZ Ski Ltd. Three lizard species are known from the Remarkables but none have been reported at altitudes above 1550 metres asl. (Knox 2019) and only three species have been recorded from the Rastus Burn, the short-toed gecko (*Woodworthia* "Southern mini"), the Cryptic skink (*Oligosoma inconspicuum*) and McCanns skink (*Oligosoma macmani*), the latter seen a number of times during this survey but all below 1550 metres. *Oligosoma inconspicuum* has a threat classification of At Risk Declining and Knox reports only one record (pers. com.) and that is from the lower Scarpa ridge above the Rastus Burn Stream.

**Table 1: Three lizard species known from the Remarkables mountain range. Information derived from van-Winkel et al. 2018 and Jewell 2006. Threat status as per Hitchmough et al. 2016. (Table copied from Knox 2019)**

Species	Threat status	Habitats of Interest	Distribution
McCann's skink ( <i>Oligosoma maccanni</i> )	Not Threatened	Widespread in all habitats below 1550 metres asl. Likes rocky areas and tolerant of dry conditions.	Common throughout most of Otago, especially Central Otago.
Short-toed gecko ( <i>Woodworthia</i> "Southern Mini")	Not Threatened	Rocky habitats including tors, screes, boulderfields, and loose rock aggregations. Nocturnal, hides in rocks by day. Has been found up to 1680 metres in the Humboldt Mountains, but has only been found up to 1350 m in the Remarkables.	Mountainous areas in western Otago and Southland.
Korero gecko ( <i>Woodworthia</i> "Otago-large")	At Risk, Declining	Rocky habitats up to ~1100 metres asl including tors, screes, boulderfields, and loose rock aggregations. Nocturnal, hides in rocks by day.	Found throughout much of Otago and Southland.

It is recommended that there is enough information from the Wildlands report included in the Application, and the 2020 Simpson's report, to support the approach outlined in the Wildlands report that rather than undertake a further lizard survey before construction starts, to manage the possibility of a lizard encounter by way of an 'incidental encounter protocol'. The following proposed special conditions 5 has been excerpted from Appendix 1 to cover any incidental encounter with lizards during establishment works:

*Establishment of the Concession Activity*

Lizards

- The Concessionaire must ensure that if a lizard is seen or found (alive or dead), then the Department of Conservation is to be contacted to provide guidance on the next steps, including whether a Wildlife Act Authority is required.*

Flora and Fauna (proposed special conditions)

Refer to concession standard condition 9 of Schedule 2 (What are the obligations to protect the environment?) and special conditions 1(a)-1(b), 3-5, 10, 13-21, 24, 25(a), 26-29, 30-33, 35, 51, 61-62, 82-86 in Appendix 1 in this Report.

It is considered that these proposed special conditions, in conjunction with the existing rehabilitation protocol (as previously agreed with the Applicant) as shown in Appendix 1 (Schedule 3A protocols), will be sufficient to manage the effects of the proposal on vegetation and wildlife.

6.1.9 Effect on wetlands

District Office suggested the following conditions:

- All wetlands are to be avoided.*
- When using any accessways or conducting any works above any wetlands, any runoff is to be contained to avoid the risk of sedimentation.*

It should be noted that no wetlands are impacted by the proposal therefore (a) is not applicable however, to avoid any doubt refer to proposed special condition 15 in Appendix 1.

Risk of sedimentation affecting wetlands. Refer to sediment control discussion in section 6.1.5 in this Report and proposed special conditions 16-17 and clause 5 (Schedule 3A protocols) in Appendix 1 in this Report.

#### 6.1.10 Effects on landscape values

##### *Recommendation Report (Issue 6) Lake Alta*

##### New Zealand Alpine Club (NZAC) (Neutral Submission 18)

#### **6. Effects on the Lake Alta Cirque**

*Our members use the Lake Alta Cirque in summer and winter for rock climbing, walking, mountaineering, ski touring, climbing festivals and climbing instruction.*

*The Lake Alta Cirque, although close to the skifield, has remained generally clear of visible skifield infrastructure. Both in summer and winter, people can have the experience of a remote and backcountry area, within easy access from the skifield road.*

*The concession application does not consider the effects of the new work on the Lake Alta Cirque and its visitors. The Club is particularly concerned about the visual effects of the infrastructure from the Lake Alta Cirque, and the loss of peace and quiet for people recreating in this area, due to the more significant numbers of skiers in the area. These effects should be assessed and presented as part of the concession document.*

##### Queenstown Climbing Club (QCC) (Objection 21)

4...

- *The proposal would result in adverse effects on natural character, remoteness and visual amenity values with particular regard to adverse effects on the Lake Alta Cirque.*

#### **ADVERSE EFFECTS ON NATURAL CHARACTER, REMOTENESS AND VISUAL AMENITY VALUES**

##### *Lake Alta Basin*

QCC in its objection (items 8-14; Figures 1-7 see Appendix 2 for images):

*We consider there are significant shortcomings and oversights in the Landscape and Visual Assessment prepared by Phillip Blakely, including:*

- *avoidance of addressing adverse effects of the proposal on the Lake Alta cirque.*
- *assessed the effects of the proposed earthworks or an approximately 7m high station, which is proposed to be located near a prominent ridge.*

*It is clear that the proposal will be highly visible and visible on skyline from within the Lake Alta Basin.*

15. Furthermore, the proposal will result in increased activity in the Lake Alta area by making the area more accessible. This will likely result in other effects during times of operation, including those associated with increased users, signs, ropes, gates and avalanche control.

16. We consider the proposal will result in significant adverse effects on the natural character, remoteness and scenic qualities of the Lake Alta Basin. The greatest effect perpetuated by the earthworks and proposed structure which will be visible on skyline as viewed from with the Lake Alta Basin. We considered the proposal should be refused on this basis alone.

22. Other concessionaire will also see their product affected, as there will be a very certain change to the ambiance of Lake Alta and its surrounding.

#### UphighNZ (Objection 23)

UphighNZ's objection (including speaking at the hearing) focussed on the Lake Alta cirque. Excerpts from UphighNZ's written objection have been included below and Appendix 2 includes hearing notes and slides 1-10 that supported Guillaume Chartons' presentation at the hearing. Note: Other objections have been included in Issue 10 – biodiversity impacts (of installation and removal of infrastructure).

- *The proposed location of the chairlift has been well thought by NZSki, as this would mean that thousands of NZSki clients would be able to access right from the top of the chairlift the Lake Alta cirque but also the West ridge of the Remarkables which are both known as very fragile and quiet environments and which are in the conservation area. This would have permanent impact on the fragile alpine eco system, the fauna and its flora. This serious threat to the endemic plants and birds found around the lake is concerning and goes against DOC identified outcomes.*
- *The proposed location of the chairlift would mean that from around Lake Alta (Remarkables Conservation Area) summer and winter hikers would have their 'natural' views disintegrated by a man made structure towering up high on the ridge line. The feeling of wilderness by other users around Lake Alta will be highly impacted. The local schools who take their students in outdoor education adventures and overnight at the Lake will see their experience and education highly impacted.*
- *The slopes below the chairlift on the Lake Alta and Shadow Basin sides being fragile rock screes featuring fragile alpine plants and hosting alpine insects and birds would be impacted by future skiers in winter but also by snow management (avalanche control bombing, snow machine, snow guns and all the infrastructures). Not only the alpiners will be environmental but also visual from the Lake but also as far as from Arrowtown, and around the basin. In night-time snow management and other NZSki activities would beam light and sound across to the quiet and fragile Lake Alta environment and this is of great concern.*

UphighNZ, when speaking at the Hearing stated:

- ***Slide 1. Negative impacts of light & noise pollution not just from Lake Alta but from other Wakatipu environs further afield. Slope where chairlift sits and bulldozed slope (Slide 5) is visible. At night time, snow management e.g. snow groomer lights will be clearly visible on ridgeline and noise will have impact on snow caving and camping (Slide 3). Note: there is already noise that comes from current top station.***

- *As this is a steep angled scree slope has concerns about the rocks, boulders and stones that will be impacted during earthworks and, the environmental, visual and incremental ecological impacts. Objector advised that he has worked previously as an earthquake and environmental engineer.*
- *Believes that expansion will be towards a poor snow location. Received advice (although would not disclose source) that include the interpretation that prevailing NE wind would result in snowbombing.*
- *Proposal will enable access by 000's of people which will create a Health and Safety issue. Skier's will conflict with other users e.g. camping in tents, snow caving for educational purposes (Slides 1 & 3). Low visibility hazard.*
- *The Lake Alta cirque is one of a kind to enjoy. Snow tourers, walkers enjoy peace at place. Health and safety risk of position of top station and skiers coming down west ridge.*
- *Natural space compromised especially with location of top station (day & night light and noise pollution) and snow control management (including snow making). Even in summer an eyesore.*
- *Heading towards Lake Alta cirque a man-made structure that will significantly disturb flora and fauna such as edelweiss (Slide 8).*
- *Appears that there are already pegs marking the location of the proposed lift on the west ridge of Lake Alta. This ridge is the gateway to the like Alta cirque and will be compromised by winching machines and early morning snow maintenance that will impact on other users pre-dawn access.*

*Note: Image 2 from Hearing presentation shown below as Figure 13.*

Applicant right of reply (refer Appendix 3) to objections and neutral submission received in relation to Lake Alta

The Applicant stated under the heading *Substantive issues – points of clarification or correction*, item 3, bullet point 6(ii) that:

***All landscape effects have been discussed within the Landscape and Visual Report prepared by Blakely Wallace Associates...***

*ii. The report details that the chairlift top station and upper liftline will not break the skyline, so will not be seen from Lake Alta. The top station has been carefully and deliberately designed to sit below the ridge and therefore cannot be seen from Lake Alta.*

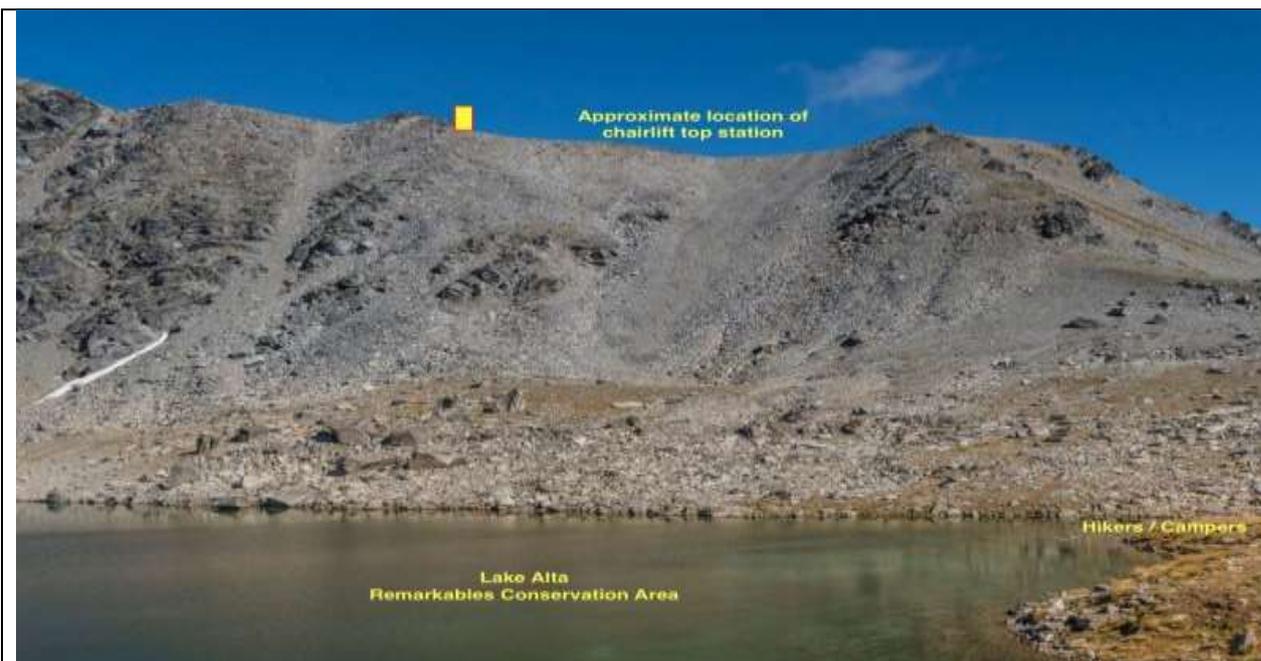


Figure 13: UphighNZ (Guillaume Charton) Images<sup>20</sup> referred to at Hearing (Image 2 reproduced above).

*Recommendation Report (Issue 9) Landscape impacts – views within and external to reserve Forest & Bird (Objection 17)*

19. *The whole of the Remarkables Skifield Zone is classified as Outstanding Natural Landscape (ONL). This classification is a clear indication of the very high landscape values of the Remarkables Ski Area and adjoining areas as a whole.*
- 19.1. *The proposal will present new and visible signs of ski area infrastructure (from outside the Ski Area Sub-Zone) on a prominent ridge of the Kawarau/Remarkables Range. Some of the proposed chairlift and trail works will be visible from a portion of the Whakatipu Basin and limited locations within the Remarkables Conservation Area. From all locations outside of the Ski Area SubZone, the 4WD access track, trails, towers and the top station will be legible to varying extents depending on distance viewed, snow conditions and lighting.*
- 19.2. *The proposed upper trail works will be visible and particularly so during intermittent snow cover and in certain light conditions. The proposed earthworks will result in some adverse effects on the natural character of Shadow Basin. It is expected these new trails will create a permanent and cumulative effect to the landscape and visual amenity of the Rastus Burn Basin.*

Queenstown Climbing Club (OCC) (Objection 21)

*ADVERSE EFFECTS ON NATURAL CHARACTER, REMOTENESS AND VISUAL AMENITY VALUES*

<sup>20</sup> Complete PDF copy of images [DOC-7312196](#)

Sections of this part of QCC's objection has been included in Issue 6 below on Lake Alta

#### *Wakatipu Basin*

18. *While some of the existing ski area infrastructure is visible from within the Wakatipu Basin, the proposal seeks to modify a highly visible slope and ridgeline. We consider the pylons, top station and new ski trails would be highly visible from distant places and will represent a significant change in the visual amenity and scenic quality of the Remarkable as viewed from distant parts of the Basin (Figure 9). We consider this will represent a moderate adverse effect on visual amenity and natural character of the highly valued Remarkable mountains.*

#### Applicant right of reply (refer Appendix 3)

The Applicant stated under *Substantive issues – points of clarification or correction* in item 3, bullet point 6, item ii below that:

- *All landscape effects have been discussed within the Landscape and Visual Report prepared by Blakely Wallace Associates...*
  - ii. The report details that the chairlift top station and upper liftline will not break the skyline, so will not be seen from Lake Alta. The top station has been carefully and deliberately designed to sit below the ridge and therefore cannot be seen from Lake Alta.*

District Office provided the following contribution.

The Applicant provided a Landscape and Visual Assessment as Appendix [H] in its Application by Blakely and Associates.

Issue 6 of the Recommendation Report was regarding visibility of the Top Station from Lake Alta.

In the Outcome, policies and milestones for the Western Lakes and Mountains /Ngā Puna Wai Karikari a Rākahautū Place of the Otago Conservation Management Strategy 2016 it states:

*“Prominent landscape and geological features (ridgelines, and mountain tops) remain in their natural state, or are unmodified beyond their state at the time of becoming public conservation lands and waters. Within public conservation lands and waters away from prominent landscapes and geological features, structures may be present where well-blended into the landscape or where buildings already exist.”* (underline added for emphasis)

In NZSki's application it states, “The top station is located within Shadow Basin, below the ridgeline”.

It is unclear through this statement whether NZSki are referring to the height of the top station sitting below the ridgeline (and therefore the top station in its entirety) or the base of the top station. It must be noted that the top station has a maximum height of 6.921m above finished ground level.

Concerns regarding the visibility of the station from Lake Alta was raised in submissions.

*Queenstown Climbing Club in its objection: “We consider there are significant short comings and oversights in the Landscape and Visual Assessment prepared by Phillip Blakely, including: - avoidance of addressing adverse effects of the proposal on the Lake Alta cirque. - assessed the effects of the proposed earthworks or an approximately 7m high station, which is proposed to be located near a prominent ridge. It is clear that the proposal will be highly visible and visible on skyline from within the Lake Alta Basin.”*

Further detail regarding the above, including figures, can be read in Queenstown Climbing Club’s submission – page 84 in this document: [docCM - 100472-OTH - NZSki Limited - Remarkables Shadow Basin - Submissions received](#).

NZSki, the Applicant, in the Recommendation report, page 16, stated “*The report details that the chairlift top station and upper liftline will not break the skyline, so will not be seen from Lake Alta. The top station has been carefully and deliberately designed to sit below the ridge and therefore cannot be seen from Lake Alta.*”

In Phillip Blakely’s report, on page 16, it was stated “*the upper lift line and top station will not break the skyline but will be backdropped by the upper cirque basin headwall and cones and ridges*”.

Placing a critical lens on this information, it is unclear what the definition of ‘**skyline**’ is. It is likely in this case that it is the same as the ridgeline, as opposed to the skyline of the backdropped cones and ridges. Otherwise, it would be written as will not break the skyline *due to being* backdropped by the upper cirque basin headwall and cones and ridges.

NZSki’s reply in the Recommendation Report would suggest that the skyline and ridgeline can be used interchangeably regarding the placement of the top station.

As part of the site visit conducted by DOC staff at the Remarkables on 3 April 2023, visibility of the Top Station from Lake Alta was discussed with Ross Lawrence and Mark Sommerville from NZSki. Additional information was requested by the Department from NZSki regarding the placement of the Top Station in relation to the ridgeline and visibility from the lake Alta area.

This additional information was sought due to the report produced by Blakely not specifically referencing what the effect on the landscape would be from Lake Alta, other than it being assumed, theoretically, that if the top station does not break the skyline as stated, then it wouldn’t be able to be seen from the other side of the ridge where Lake Alta is located.



Figure 14: taken from Shadow Basin ridge – red marker for top station location (Figure six from District Office contributions)



Figure 15: Graphics showing shaded areas where top station cannot be seen and areas where the top station can be seen (lighter shading).

The digital versions of these graphics can be found here:

<https://doccm.doc.govt.nz/cwxv4/wcc/faces/wccdoc?dDocName=DOC-7354621>

Ross Lawrence communicated that Blakely identified through these additional graphics that the Top Station will not be seen from the Lake Alta and will not break the ridgeline.

It must be noted that in these graphics it is somewhat confusing as to where the lift line is placed due to the line appearing to be on the ridgeline. However, the shaded area is where the top station will not be seen from. The lake in the graphic above is Lake Alta.

It is important for the Decision Maker to be aware that the Top Station will be visible from other locations such as Single and Double Cone (shown in white).

While it has been communicated that the Top Station will not be visible from Lake Alta, a strong condition is proposed to reinforce this.

*The Decision Maker may also wish to consider whether further information from what we currently have is necessary to gain the reassurance that this structure will not be seen from Lake Alta before construction begins (if the application is approved).*

This could include Phillip Blakely specifying that the skyline and the ridgeline is the same thing and could involve the placement of a physical marker to check that the graphics supplied are accurate.

*It is essential that the top station and associated infrastructure does not break the ridgeline and cannot be seen from Lake Alta.*

*Potential conditions that could be considered to ensure that the top station and associated infrastructure are not seen from Lake Alta and do not break the ridgeline/skyline:*

- *The Top Station must not break the ridgeline/skyline.*
- *Before construction begins, physical markers of the top station must be placed to confirm that the height of the top station does not break the ridgeline/skyline and cannot be seen from the Lake Alta cirque.*
- *The lift cannot operate if the top station can be seen from the Lake Alta cirque*
- *If the top station breaks the ridgeline or can be seen from any of the shaded areas in the graphics supplied by Phillip Blakely, it must be removed/changed. Top Station visibility must align with the information provided by NZSki*
- *The Top Station structure and it's lighting, must not be visible from Lake Alta*

*(The last condition - includes ensuring that there is a not a 'glow' from the top station lighting, which could be seen from Lake Alta, particularly by those who use the Lake Alta area for camping.)*

The top station infrastructure and associated infrastructure could also be proposed to be constructed first (if that is a possibility), to ensure that this infrastructure does not break the ridgeline/skyline and cannot be seen before the remaining infrastructure is installed.

District Office provided contributions on views within and external to the reserve (natural character):

- While Phillip Blakely's overall summary of landscape and visual effects is;
  - (a) within the Ski Area Sub-Zone, Low-Moderate. There will be some adverse effects. Within the context of the Ski Area Sub-zone this is considered acceptable.
  - (b) landscape and visual effects outside the Ski Area Sub-Zone is Low. This equates to low adverse effects.
- It must be acknowledged that there will be visual effects to this proposal. This proposal involves significant earthworks.
- "The proposal will present new and visible signs of ski area infrastructure".
- Visual effects will be seen from the Whakatipu Basin – including a wedge-shaped section of the Whakatipu Basin, encompassing the lower slopes of Morven Hill (7km distant) Threepwood, through Lake Hayes, Morven Ferry and Arrow Junction (8-10km). It will also be seen from Malaghans Road, eastern Speargrass Flat, Mooney Road, Arrowtown, Hogans Gully Road, Glencoe Road and the Crown Terrace (10-15km distant).
- The new base station infrastructure is most visible from a small 1km section of Malaghans Road (12km distant).

In Blakely's assessment, page 14, he noted '*the proposed Shadow Basin replacement chairlift and associated structures and upper formed trails will present new and visible signs of Ski Area Infrastructure from outside the Remarkables Ski Area and is located on a high and prominent ridge*'.

'Located on a high and prominent ridge' is not allowed for under the CMS Outcomes for Western Lakes and Mountains /Ngā Puna Wai Karikari a Rākaihautū Place.

*"Prominent landscape and geological features (ridgelines, and mountain tops) remain in their natural state, or are unmodified beyond their state at the time of becoming public conservation lands and waters. Within public conservation lands and waters away from prominent landscapes and geological features, structures may be present where well-blended into the landscape or where buildings already exist." – page 64 of the Otago CMS. (underline added for emphasis).*

From our understanding of the Application, infrastructure will not be located ON the ridgeline itself, rather, Blakely is referring to the face of the ridge, however a condition could be included to ensure that no infrastructure is on the ridgeline.

On page 16, Blakely writes "*The upper liftline and top station will not break the skyline but will be backdropped by the upper cirque basin headwall and cones and ridges*".

As referenced above in the Lake Alta section, clarity may need to be sought regarding skyline vs ridgeline.

*Proposed condition:*

- *No infrastructure is to be placed on the ridgeline.*



Figure 16: Photo from Application EIA above portrays top station location (blue outline), Towers 8, 9 & 10 (black line), Calypso & Cushion trails (coloured orange)

The Applicant and submitters have all correctly identified that earthworks and vegetation clearance in this area could damage landscape values if not undertaken with a high degree of sensitivity.

Landscape effects consist of the temporary effects of the removal of existing chairlifts, construction and revegetation phases, and the permanent effect of the chairlift itself, the 2 new trails and modified road access.

Temporary effects with respect to the construction would be limited to the period of the construction. Landscape effects from the disturbed ground will take longer to mitigate as experience has shown that revegetation works can take years/decades to complete (mainly in the case of cushion plants), and the variety of ecosystems present have different degrees of success, as per the comments contained in the ecological assessment by DOC Technical Advisor (Ecology).

It cannot be refuted that natural ridgelines and an area that is currently relatively free of structures and tracks where nature dominates (being an area identified as of high natural character) will be affected by this proposed activity. Towers introduce structures to a natural area which is viewable from part of the Wakatipu Basin and possibly from the track into Lake Alta. These towers will intrude on the natural symmetry of the location.

In addition, the cutting of ski trails and the modification of the road access, providing access for machinery, will create unnatural slopes, and permanently change the topography. Rehabilitation through replanting of vegetation will partly mitigate these impacts.

As for the impact of the stations, towers, chair lift, new trails and modified vehicle access on the pleasantness, beauty, harmony and cohesion of the natural environment, the scale of development and the permanent effects of this proposed activity on the landscape need to be considered in the wider context: that the proposed activity is still within the Rastus Burn Recreation Reserve, is part of the Remarkables ski area, comprising significant facilities, with large areas already highly modified by trails, roads, lifts and buildings and snowmaking infrastructure.

Landscape effects resulting from disturbed ground will take longer to restore/rehabilitate as experience has shown that revegetation works can take several seasons to complete.

Restoration methods currently used indicate that the medium to long term landscape effects here will persist, but restoration works will mitigate much of this effect.

The relatively large extent of cushion plant disturbance and the large extent of rock found on site along the proposed development is of note. This lends itself well to mitigation of the landscape effects by replacing the disturbed rock with similar rock found on site to mirror that found naturally (as done successfully by the Applicant on occasion within the ski area).

The 2 trails are considered to be the more significant change as the chairlift is a replacement of an existing facility which is in place (albeit on a different line). The rockfield areas are sparsely vegetated and it is considered the landscape effect here will be most noticeable as the trails traverse through rockfields of large boulders which will be modified to smaller substrate. This will create a visual change to the current landscape, which will affect summer visitors as it will further modify the landscape which they experience when walking or climbing.

It is recognised that landscape is not just the visual effect of an activity but also the natural character of the place, and this is where it is important to note that the Remarkables is a working skifield with significant trails and infrastructure already in place. It is also relevant that all works are within the basin of the Rastus Burn Recreation Reserve and any breaches of the intermediary ridgelines are from the skifield road when accessing the area. The ridgelines when viewed from the valley floor remain unchanged.

After considering discussions above and the conditions suggested by the District Office, it is recommended that proposed special conditions 8-9 in Appendix 1 be imposed to ensure that the top station does not impact on the ridgeline when viewed from the Lake Alta cirque. The Applicant has asserted on several occasions (more recently in the graphic provided above) that the top station will not be viewable from the Lake Alta cirque. Accordingly, the proposed special conditions 8-9 in Appendix 1 puts the onus on the Applicant to meet this requirement; that the top station is not to be viewable from the Lake Alta cirque and, if it is, removal of the top station will be required.

#### 6.1.11 Decommissioning of old Shadow Basin chairlift

The old Shadow Basin chairlift will be removed as per the Applicant's standard maintenance procedures using helicopters or vehicles with purpose designed mats temporarily laid across the existing ground to spread the loading and prevent tyres/ tracks damaging vegetation.

It is recommended that the tower foundations be removed by using a 20-tonne digger with rock breaker fitted to it to break out the concrete from the reinforcing steel within it and removed from the site. Where possible, truck access will be to the tower foundation sites to transport broken concrete from site.

Decommissioning will be followed by rehabilitation of the ground in the area of the drive stations and tower foundations.

Refer to proposed special conditions 30-32 and 35 in Appendix 1 in this Report.

#### 6.1.12 Third party consultation

##### 6.1.12.1 Otago Conservation Board

District Office carried out the following engagement with the Otago Conservation Board.

- Otago Conservation Board were engaged with on the 9<sup>th</sup> of December 2022.
- Evidence of this engagement can be found here: [docCM - 100472-OTH - NZSki Limited - Consultation sent to Otago Conservation Board - Remarkables Shadow Basin passenger lift replacement](#)
- No reply/feedback was received from the Otago Conservation Board.

#### 6.1.12.2 iwi

District Office carried out the following engagement with the iwi. Refer to section 5 in this Report for details of the engagement.

- The iwi engagement undertaken for this concession application included engagement with Otakou Rūnaka, Murihuku Rūnaka and Mark Witehira - TRoNT.
- One attempt was made to engage with iwi.
- Evidence of this engagement can be found here:
  - [docCM - Engagement Request - NZSki Limited concession application Shadow Basin](#)
  - [Feedback request - NZSki Limited concession application Shadow Basin -100472-OTH](#)
- No direct feedback was received; however, a public submission was made by Te Rūnanga o Ngāi Tahu. This submission was not in support of the application, with specific reference to opposing the proposed concession term of 40 years.
- A reply was sent to Te Rūnanga o Ngāi Tahu by Marta Lang Silveira, Senior Manager Regulatory Delivery. This letter is linked here: [docCM - Email with letter attached from DOC to Te Rūnanga o Ngāi Tahu on NZSki Remarkables Shadow Basin Engagement - DOC-7265870](#).

#### 6.1.13 Effect on other users

*Recommendation Report (Issue 8) Recreation impacts – positive and negative*

New Zealand Alpine Club (NZAC) (Neutral Submission 18)

#### 7. Shadow Basin

*Shadow Basin provides access to the country's most valued alpine climbing and tramping areas - the West Face of the Remarkables, The Grand Traverse of The Remarkables, The Telecom Towers, and the Queen's Drive (alpine tramping). The West Face and Queens Drive can only be accessed via the col at the top of the current Shadow Basin Lift. This is normally accessed by using the cat track which runs from the skifield to Shadow Basin.*

#### 8. Public access during the construction period

*There is no detail within the concession application as to how public access and interface will be managed during the construction period.*

*The Club request that if the concession is granted in any form, conditions are placed such that construction is managed so that the road and top carparks are always open to the public with continued access to the rest of the Rastus Burn Recreation Reserve and the Remarkables Conservation area.*

*Our concern is if work is being done in Shadow Basin, that access to the West Face (for climbing) and the Queens Drive (tramping) will be affected. These two popular areas are*

accessed via the cat track to Shadow Basin and the col at the top of the current Shadow Basin lift.

*In previous years during construction periods, the road has been closed to recreational users, or the road has been open only to the lower carparks. Having the top carparks closed will affect the time taken to access climbing and tramping areas which may become too long to make it a worthwhile trip, effectively restricting reasonable public access.*

*Previous road closures have been based on Health and Safety concerns. It is The Club's view that Health and Safety issues can be mitigated and managed if this is a requirement built into the construction planning.*

#### 9. Public access after installation

*Intensification of the Shadow Basin area may result in restrictions to users of the area, and there is no indication in the concession document of how this may be affected after installation. The Club requests that this is included as part of the concession application and require that the public can have the same access to the areas above, as they do at present.*

#### FMC (Objection 20)

12. *FMC's key interest in the application is retaining and fostering improved amateur recreational access to the "Queen's Drive" and Remarkables West Face, "Telecom Tower" and Remarkables summit ridge areas – both during the construction of a replacement Shadow Basin Chair (Chair), and once built.*
13. *These areas contain New Zealand's most popular opportunities for ice and mixed climbing, as well as some of our most accessible summer alpine rock climbing. The Alta Basin, which a re-sited chair lift would render much more easily accessible by ski, is also popular as ski-touring access and outright destination. Nearby areas routinely host snow instruction courses run by the Otago and Southland sections of the New Zealand Alpine Club (NZAC). The area also hosts the annual Remarkables Ice and Mixed Festival, New Zealand's biggest alpine climbing event.*
14. *As such, these areas are at the very foundation of the strength of New Zealand's alpine community. Free and ready access to these areas – in all seasons – is crucial to that strength. Such access includes not only low-avalanche-risk approaches to Queen's Drive, but also handy year-round car-parking. Previous NZSki construction at the Remarkables has affected the latter in particular – needlessly and avoidably.*
15. *The same area is also used by recreational free fliers of the New Zealand Hang Gliding and Paragliding Association (NZHGPA), when daylight, weather and lifted civil aviation restrictions align. It is regarded as an iconic New Zealand "hike and fly" opportunity.*
16. *We reiterate that we welcome NZSki's access proposals, but they would cut ready access to the Telecom Tower Col, and so to the Queen's Drive and Remarkables West Face. As such they would compromise access to the overwhelming majority of potentially affected climbing access, and leave intact only access to the Remarkables Summit Ridge. These shortcomings would have been apparent to NZSki if it had consulted with local recreational communities.*

## PROMOTING RECREATION

18. *As an organisation, FMC wholeheartedly supports initiatives that promote low-impact outdoor recreation. Except at superficial levels, this is not such an initiative, and on the contrary NZSki's Application materials show scant regard for the low-impact recreation opportunities in the area, as detailed above.*
19. *Fostering recreation is also, of course, a DOC function over and above "allowing" tourism.<sup>3</sup> While we are aware of views held by some in DOC that recreation and tourism cannot be easily distinguished, the law must be applied nevertheless. This is not a case where making the distinction is challenging – here the interests above can be readily distinguished from the ordinary visitor – or tourist – to the Remarkables Ski field. As such DOC's function in processing this Application can only be to allow the application to the extent it is consistent with promoting the on-going and nationally-significant recreational activity mentioned above. As such, and at minimum, a lack of protective conditions is inconceivable.*

## THE APPLICATION IS DEFICIENT AND HAS NO REGARD FOR RECREATION

29. *FMC considers that without proposed conditions from NZSki to guarantee access both during and after construction, ie to avoid, remedy, or mitigate any adverse effects of the proposed activity – the Application does not properly meet the requirements of section 17S(c)(ii) of the of Act, and accordingly DOC will not properly be able to process the Application under section 17T. Further, in absence of such proposals, submitters have not had enough information to meaningfully respond and give objections "on" the application (and its effects – properly assessed), this consultation process must also be flawed.<sup>9</sup>*

### Questions from the Chair (to FMC)

Janine Sidery:

*Q. With regard to your access issues, is there no other alternative access?*

*A. Issue is across face of basin and having to circle new location of Shadow Basin. Best illustrated by NZ50 Topo map (FMC shared image). At 2200, location known as Telecom Tower down to Telecom Col, access for climbing is difficult and impractical from a safety perspective. Not safe to sidle around basin. The realignment may be workable however it is bluffy country to negotiate.*

### Queenstown Climbing Club Incorporated (QCC) (Objection 21)

*3. QCC has observed the incremental impact on the Rastus Burn Recreation Reserve perpetuated by NZSki Limited (NZSki). While QCC values the contribution NZSki makes to recreational values, especially those associated with snow sports, they have also reduced public access to our public lands. This includes limiting the public access to the reserve or across the Ski Area Sub-Zone (SASZ) to enable NZSki to carry out their commercial activities, the closing of the access road during times of the year for their own purposes (such as construction) and now, the toll to use the road in summertime. We have worked with NZSki in many ways, but we are seriously concerned how further incremental change will limit public accesses to our public lands.*

4....

- *The proposal will further limit public access to and enjoyment of public land.*

#### Access

19. *The Remarkables holds very high recreation values. Activities such as mountaineering, ski touring and snow shoeing are seeing a steady increase in New Zealand. The Remarkables is known as one the best and most accessible alpine terrains to experience these outdoor activities in New Zealand. In winter more and more people are turning to ski touring and snow shoeing instead of buying ski passes and the Remarkables, particularly the Lake Alta basin, Wye Creek area and The Doolans catchment are popular backcountry areas to recreate.*
20. *This NZSKI submission omits to consider these other users which will be affected. The effect on other users is generally related to NZSki's Health and Safety management plans which it employs so it can undertake its commercial activities (avalanche control, winch cat grooming, snowmobile movements, etc.). Intensification of the Shadow Basin area will likely result in further restrictions to users of the area. We note that Shadow Basin provides access to the countries most valued alpine climbing venue, the West Face of the Remarkables. Shadow Basin is also the starting point for the Grand Traverse, one of the most valued alpine traverses in the southern hemisphere.*
21. *Also, outdoor recreation opportunities such as ski touring, snow shoeing and mountaineering will be at threat around Lake Alta as thousands more NZSki skiers will come down from the top of the chairlift to Lake Alta, resulting in potential user conflicts and degrading remoteness and scenic values. Further encroachment into public land from NZSki will change the wintertime experience of the Lake Alta Basin and future generations will not know the basin as a relatively quiet and undisturbed, alpine environment. The many local, national and international students (From Wakatipu High School, Cromwell College, Mount Aspiring College, Dunstan College) who spend their winter weekends with their school involved in outdoor recreation and education activities around Lake Alta, Wye Creek and the Doolans will see this very beneficial experience adversely effected.*

#### Submitters in support of proposal

The following six (6) submitters comments in support of the proposal, to improve recreational opportunities and health and safety: Luke Sanderson (#11), Ross Copland (#12), Benje Paterson Limited (#13) Mark Orr (#14), Skyline Enterprises Limited (#15) & Totally Tourism Limited (#19).

For example:

#### Ross Copland (Submission 12)

*- Skiing is a popular recreational activity in New Zealand, particularly for children and families, many of whom have few opportunities to access New Zealand's rugged, high-risk alpine environment outside of the comparative safety of our commercial ski areas. Fostering the renewal and upgrade of infrastructure at these ski areas is of the utmost importance to our national wellbeing, and a key mechanism by which we can encourage more NZ'ers into our great outdoors. NZ has the third highest rate of obesity in the OECD - alpine recreation is part of the solution.*

Ross Copland added further context to this statement in the attachment to his submission on page 2<sup>21</sup> That the new lift will have the benefit over the old lift of enhanced safety and higher capacity.

Applicant right of reply (refer Appendix 3) to objections and submissions received in relation to positive/negative impacts on recreation activities.

Note: Item 1 below is bullet-points 5 & 6 only from the Applicant's right of reply.

*Substantive issues – points of clarification or correction*

*Firstly, some submitters have suggested that our proposal will result a reduction in their ability to access recreation in the Rastus Burn (FMC, F&B). This is incorrect.*

- *FMC noted in their submission that there may be mountainbiking in the future. Our application does not request that and we have no intention of introducing mountainbiking to The Remarkables.*
- *With regards to ongoing access during construction (FMC, NZAC, Uphigh):*
  - i. *We're absolutely committed to ensuring that public access to the Rastus Burn including to popular climbing sites remains available during and after construction.*
  - ii. *We will of course need to take steps to divert people for Health & Safety reasons where machinery is operating or there is a some risk present.*
  - iii. *When demonstrated when Sugar Chair was built that public access can be effectively maintained.*
  - iv. *We would be comfortable to agree these protocols with the Department of Conservation.*

*Despite its opposition to the project, FMC has asked for a condition that a "one-up" pass be mandated should the lift be approved (FMC)*

- *NZSki already offers single-ride tickets at all its ski areas – the current pricing is \$35 per passenger.*
- *We intend to continue to make this possible however it should be noted that this lift is primarily designed for skiers / snowboarders and not necessarily for foot passengers unless certain H&S protocols are observed and managed. Introducing foot passengers carries with it specific H&S considerations.*
- *Given that we already provide single-ride passes, we don't believe this needs to be included as a condition of this concession. If it is included as a condition, we would suggest that the price is benchmarked to the market rather than fixed and that the provision of the product is contingent on NZSki's decision on the suitability of the lift to carry foot passengers.*

#### 6.1.13.1 Lighting

District Office provided the following contributions on lighting.

In UphighNZ's presentation during the Hearing, lighting was raised as an issue.

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<sup>21</sup> [DOC-7285240](#)

*“Negative impacts of light & noise pollution not just from Lake Alta but from other Wakatipu environs further afield. Slope where chairlift sits and bulldozed slope (Slide 5) is visible. At night time, snow management e.g. snow groomer lights will be clearly visible on ridgeline and noise will have impact on snow caving and camping (Slide 3). Note: there is already noise that comes from current top station.” - page 15, Recommendation report.”*

UphighNZ also raised:

*“In night-time snow management and other NZSki activities would beam light and sound across to the quiet and fragile Lake Alta environment and this is of great concern” - Page 97,*

*Recommendation report.”*

Strong conditions will need to be in place to ensure that that this lift is not lit up to the point where it can be seen from the valley or from Lake Alta. The Curvey Basin lift can be seen from the valley – this must be avoided for Shadow.

In NZSki’s application they stated:

- *Impact of lighting on the enjoyment of an adjoining property.*

*The proposed passenger lift system will not be significantly lit. There will be low level lighting within the operator’s huts but no lighting on the passenger lift system towers themselves. The lighting of the operator’s huts will be so far away from adjacent property and inconsequential in the scale of the other Remarkables Ski Area facilities so as not to spoil the enjoyment of the adjacent land.*

Further information was sought from Ross Lawrence, Remarkables Ski Area Manager on 18/05/2023 regarding lighting.

Ross communicated about lighting via email on 18/05/2023 [docCM - Shadow Basin lighting information](#):

*“In answer to your earlier questions for more information regarding light pollution during the night from increased activity in Shadow Basin pertaining to the proposed development, I can offer the following–*

- *Groomer operations: We intend to groom trails which are existing and proposed new trails from the unload of the Chairlift along Calypso Trail and Cushion Trail. Grooming operations already exist within Shadow Basin, the fleet groom that terrain generally from 4 pm until midnight daily. Head lights on those machines are as per any road vehicle.*
- *Snow Making: Operations will run through night periods depending on temperatures. Each snow gun will have a light fitted for operational safety and visual support for the crew managing those operations. Generally the guns will face to the south as the prevailing wind comes up the valley into that bowl. Therefore the lights will be facing south and away from Wakatipu Basin. Snow mobile movements will be intermittent with Snow Makers operating up and down the trails while snow making is in progress.*
- *The top lift station will have house lights fitted for staff servicing of the equipment. These lights will be the same as any internal building lighting. The lift hut will also have internal lighting. There will be an external light situated on the top lift operator building which will face south as well and be hidden from view into the Wakatipu Basin. There will be a 2.6m x*

4.2m building connected to the lift operators hut with internal lighting as well. All internal lighting will be defused by the windows of those buildings.

- *There will not be any lighting set up on lift towers along the path of the lift.”*

This additional information has informed the below proposed conditions to manage lighting.

*In regard to the sentence ‘There will be an external light situated on the top lift operator building which will face south‘ – it is important that this light does not face towards, or can be seen from Lake Alta.*

*Proposed conditions:*

- *Lighting must be muted.*
- *Lighting must not be able to be seen from Lake Alta and the Valley.*
- *Where possible, lighting must face down. Lighting must not be on the lift towers.*
- *A lighting review will occur in 2024 to ensure that all lighting conditions have been followed to the satisfaction of the Grantor.*

The last condition has been suggested so that lighting can be reviewed once the full effect of the lighting is understood.

Refer to proposed special condition 22(b) in Appendix 1 in this Report.

#### 6.1.13.2 Noise

District Office provided the following contributions on noise.

On 09/06/2023 Ross Lawrence via email regarding noise [docCM - Shadow Basin Noise information](#):

*“In answer to your question yesterday regarding the noise impacts of the top station infrastructure during operation I can offer the following.*

- *The top/return station is raised approximately 3m above ground. It houses a rail that holds the chair after the chair is released from the main haul cable, 48 wheels in a row which drive the chair around the rail and steel supports to run the gear off.*
- *There is no mechanical combustible motors on site, everything that is driven comes from the bull wheel/cable return wheel. The only noise it makes is a faint whirring as the main haul cable leaves it, this noise is a result of the steel cable rubs against the rubber insert of the bull wheel.*
- *There is a faint whirring noise that comes from the rubber belts which drive the set of 48 wheels moving the chairs through the station.*
- *Approximately 10 decibels of noise in total is amplified from the station as all components are held within walls of that raised structure. The noise only emanates when the chair is running. If stopped no noise is evident from the station at all.”*

Construction noise can be mitigated through managing the timing of works.

- By restricting the hours that construction can occur, this will ensure that people visiting the area – particularly those staying overnight have time where they can recreate/enjoy the area without construction noise disturbance.

- It is important that the Decision Maker is aware that the noise level of the top station is unknown and therefore it is not known what impact the placement of the new top station could have on the surrounding area and those who camp in the Lake Alta area.

*Proposed conditions:*

- *All works are to be completed by May 1<sup>st</sup> each year.*
- *Works will only take place between the hours of 7am and 6pm Monday to Friday (excluding public holidays), and 7am to 5pm on Saturdays.*
- *If work is required on Sunday or on a public holiday, the Concessionaire must seek prior approval from the Grantor (email acceptable) no later than 5pm Thursday, on a weekly basis. Work can then only occur between the hours of 7am to 5pm.*

*A condition could also be proposed around the timing of the chairlift running to ensure that the faint whirring noise does not disrupt camping.*

Refer to proposed special condition 11 in Appendix 1 in this Report.

6.1.13.3 Public access

District Office provided the following contributions on public access.

During construction, public access will be affected and there will be noise and visual intrusion from the works and vehicle, machinery and helicopter movements. The Applicant states all works will take place between the hours of 7am to 6pm Monday to Friday, and 7am to 5pm on Saturdays. Helicopters will select the most direct flying route to minimise time in the air, and during the summer they will avoid flying over the busier public areas.

The Remarkables ski field has existed at this location for approximately 35 years and modification of the terrain and landscape has occurred in the past commensurate with the operation of a ski field; and may be required into the future which is clearly allowed for and reinforced in part 3.25 “ski fields” of the Otago CMS.

It is acknowledged that the areas near shadow Basin are important places for recreation and the ability for users to access the area year-round is important *especially* access to the West Face (for climbing) and the Queens Drive (tramping) will may be impacted during works.

This was strongly communicated through the submissions received. The recreationists that use the area involve climbers, mountaineers, school groups, campers etc. It was determined that access to the West Face (used by climbers) and the Queens Drive would be maintained during construction.

There may also be a long-term effect on recreation values as terrain previously used by other user groups for recreation will now be available to a larger number of lift access users during winter. The effects of intensification on recreationists are unknown.

It is important that NZSki maintain access to and within the site where possible during construction and after works are completed (if approved).

At the site visit on 3 April 2023, alternative access was shown to DOC by NZSki for recreationists to use during the construction period.

This photo below was taken from the Shadow Basin ridgeline during the site visit. Alternative access is from the Lake Alta side. This alternative access ensures that recreationists have access, even when construction is occurring.

It is acknowledged that the different access route may be temporarily inconvenient to users who are used to accessing the areas through Shadow Basin.



Figure 17: Public access via shadow Basin during construction works (red arrow).

Proposed conditions:

Walking access:

- a) *The public is to be able to pass freely and safely through the area, whenever possible.*
- b) *When this access is required to be temporarily restricted, it is to have prior agreement of the Grantor, is to be publicly advertised by the Concessionaire at their expense, and suitable alternative access is to be provided.*
- c) *Signage advising the public as to the nature of the work is to be installed at the expense of the Concessionaire.*
- d) *When suitable alternative access is provided, this access must be clearly marked with signage and advertised on NZSki channels.*

Refer to proposed special condition 12 in Appendix 1 in this Report.

6.1.13.4 Road closures

District Office provided the following contributions on road closures.

The ski field road provides access to The Remarkables and Tāpuae-o-Uenuku/Hector Mountains year-round. Where possible, road closures must be kept to a minimum during construction to ensure that access to the Rastus Burn and Remarkable areas are not blocked for people wanting to visit the areas.

Permission from the Grantor must be sought by NZSki well in advance of any proposed road closures so that permission can be granted, and communication can go out in advance regarding any closures.

Any road closures must be advertised on the Remarkables media channels and signage must be placed before the barrier arms on the road.

Proposed conditions:

Road access:

- *Permission from the Grantor must be sought by NZSki 5 working days in advance of any proposed road closures.*
- *If a road closure is permitted by the Grantor, signage advising the public of the road closure must be installed before the barrier arm at the expense of the Concessionaire.*
- *Information advising of the road closure must also be advertised on NZSki's website.*

The Applicant owns the land where the ski field access road enters off the main highway. The Crown has an 'Easement of right of way in gross – motor vehicle and pedestrian' over the Applicant's land<sup>22</sup>. Special condition 12 in Appendix 1 in this Report is to read: *The Concessionaire must keep road closures to a minimum during establishment of the Shadow Basin passenger lift system and associated infrastructure.*

#### 6.1.13.5 Parking

District Office provided the following contributions on parking.

To ensure people accessing the Remarkables have an area for carparking, specifically in the top carparks, the conditions proposed are:

Proposed conditions:

Parking:

- *A parking area in the top carparks must be maintained to ensure that visitors to the Remarkables are able to safely park their vehicles.*
- *Works will only take place between the hours of 7am and 6pm Monday to Friday (excluding public holidays), and 7am to 5pm on Saturdays.*
- *If work is required on Sunday or on a public holiday, the Concessionaire must seek prior approval from the Grantor (email acceptable) no later than 5pm Thursday, on a weekly basis. Work can then only occur between the hours of 7am to 5pm.*

<sup>22</sup> [DOC-5620122](#): Public Access Easement

Refer to proposed special conditions 11 and 12 in Appendix 1 in this Report.

#### 6.1.13.6 Timing

District Office provided the following contributions on the timing of works.

Recommended timing of operations for the establishment works is Monday to Saturday to allow for uninterrupted public access on Sundays. It is, however, noted that the scale of the project means that occasional Sunday work could be required.

With regard to potential effects, it may be considered better to enable the work to take place within a shorter timeframe by allowing Sundays than to possibly extend it into another season by excluding this extra day. This would reduce any longer term effects on other users due to it being a shorter, albeit more intense period.

To work on a Sunday or a public holiday, it is recommended that the Applicant must seek approval from the Grantor.

Proposed conditions:

#### Construction timing:

- *Prior to works commencing the Concessionaire must submit an overall project plan to the Grantor and the independent monitor. This plan should provide a timeline of the key construction stages, the works to be completed in each stage, the equipment to be used for each stage and anticipated monitoring requirements.*
- *A briefing must be provided by the independent monitor to contractors and the Concessionaire prior to each key construction stage.*
- *All works are to be completed by May 1<sup>st</sup> each year.*
- *Should the Concessionaire desire construction be staged over two or more years the project plan is to account for remediation measures for unfinished works that may become redundant due to changing circumstances.*

Refer to proposed special condition 6 in Appendix 1 in this Report.

#### 6.1.13.7 Contractor selection

District Office provided the following contributions on contractor selection.

The Remarkables is a sensitive area so any works must be carried out with great care and skill. Any works carried out on site must be carried out by experienced operators who have a demonstrated ability in alpine earthworks and restoration.

The below conditions are proposed regarding contractors:

- *The Concessionaire must ensure that only contractors with a demonstrated ability in alpine earthworks and restoration are used.*
- *A briefing by the DOC Monitor to contractors and NZSki staff is to occur prior to works beginning.*

- The Concessionaire must advise the Grantor when all work to establish the Concession Activity has been completed.

Proposed condition for vehicles used for construction/maintenance.

Vehicle access:

- *All machinery is to enter and exit work sites on proposed trails or from existing roads, whichever is closer. Except for access to new lift tower sites machinery is not to disturb terrain not part of this proposal, for example by cross-cutting across undisturbed terrain.*

Refer to proposed special conditions 6(b), 10, 13, in Appendix 1 in this Report.

#### 6.1.14 Positive effects

During the preceding 35 years that the ski area has operated, the experience of skiing at The Remarkables or gaining access to the conservation land via the road is likely to have benefited hundreds of thousands of visitors through recreational opportunities and facilitating an appreciation for the alpine environment. Providing opportunities for greater participation in recreation on public conservation land is a statutory purpose of the Department and also one of the Departments 'Intermediate Outcomes' specified in its current 'Statement of Intent' (2016-2020).

There is obvious benefit for skiers in the approval of this concession activity. Recreational opportunities are also available to non-skier visitors who are able to take advantage of rapid access via the ski field road to an elevated alpine environment, that would otherwise be inaccessible, to participate in recreation activities such as recreational walking.

While it is true that the ski area landscape is a heavily modified environment, the ability to view and experience the wider, natural surroundings from this vantage point enables an appreciation of the natural world and facilitates rapid access to the broader unmodified alpine environment e.g. Lake Alta. This non-commercial recreation opportunity can be enjoyed by both able bodied and less mobile visitors who would not normally be able to gain access to this type of environment.

The Applicant has demonstrated through discussions with the Department that it takes responsibility for the role of custodian of part of the Recreation Reserve seriously, and seeks to operate its business in a manner that minimises adverse environmental effects yet maximises the opportunity to be a successful business and meet the recreational aspirations of its customers.

#### 6.1.15 Cumulative effects

The activity sought contributes to the cumulative effects of a ski area operating and upgrading its infrastructure in the Rastus Burn Recreation Reserve. There has already been significant modifications to the landscape generally within the upper Rastus Burn Recreation Reserve due to previous ski area developments and while this activity adds to that, it is considered that there will be no significant new or unexpected effects beyond those already known for this activity at this location. Any adverse effects unable to be avoided can be suitably managed by conditions and within the context of the purpose for which the land was set aside.

Refer to discussion of s.17U(2)(b) in section 6.1.16.6 in this Report.

#### 6.1.16 Any other relevant information

#### 6.1.16.1 Applicants ability to carry out works

As a well-established Concessionaire, the Applicant has a range of procedures, processes and plans in place for all aspects of its operation to which it is required to adhere to.

In addition, the Applicant is required to comply with legislative requirements related to the storage, transport and refuelling of vehicles with liquid fuels, as well as the use, transportation and storage of explosives.

The existing development and activity at the site has resulted in moderate to heavy modification of the natural environment. Should a concession be granted for this proposal the approval will be subject to conditions that ensure that any future adverse effects caused by the activity (and in particular approved modifications) are managed accordingly.

#### ***Recommendation Report (Issue 1) In support of Applicant's ability***

*Twelve submitters in support described the Applicant's past experience and ability to operate professionally and responsibly a successful ski field on public conservation land. For example, Ross Copeland (Submission 12) said:*

*"The applicant, NZSKI, has a track record of excellence in the development of alpine infrastructure. Together with their specialist contractors, consultants and the local DOC team, they have worked collaboratively to pioneer many successful techniques for low impact earthworks, re-vegetation, soil conservation, waste and biodiversity management."*

#### 6.1.16.2 Professional membership

The Applicant has membership with Ski Areas Association of New Zealand (SAANZ) which provides self-regulation of the industries' activities through the Ski Area Management Safety Strategy (SAMSS) document.

#### 6.1.16.3 Climate change

#### *Recommendation Report (Issue 7) Effect of global warming/climate change*

#### Queenstown Climbing Club (OCC) (Objection 21)

4...

- *The proposal does not recognise the effects of climate change.*

#### *Climate Change*

*23. NZSki's application fails to consider the future of the snowsport industry in the face of climate change. International studies and articles show that climate change may lead to the end of ski resorts. Winter as we know it will change and we consider advancing ski area infrastructure, especially that which will result in significant adverse effects such as the subject proposal, should address the reality of climate change.*

*26. We consider additional ski area infrastructure, such as that proposed, will result in significant adverse effects on the Remarkables which will be irreversible and that in the face of climate change, the ski area infrastructure will not support any viable future activities. The addition of*

*a chairlifts and change of landscape, including disturbance of fauna and flora is unjustified when faced with the uncertain future of the skiing industry.*

#### UphighNZ (Objection 23)

*- Note that the Queenstown Lakes District Council has recently declared a climate emergency. Further, global warming is becoming more prevalent (from Niwa: 2022 surpassed the record set in 2021 by a "significant" 0.2C, and not a single month of last year was below average) around New Zealand. This means that snow falls are becoming so unreliable that further changing the landscape around a fragile alpine environment for 3 months of the year for possible only 40 more years of use is very contestable.*

#### Applicant right of reply (refer Appendix 3)

*Substantive issues – points of clarification or correction*

##### **1. Climate Change (FMC)**

- We acknowledge the impact of climate change on skiing operations all around the world.*
- We consider that the ski industry in New Zealand remains practically viable for the life of the asset. The large investments in the industry in the past 5 years from the major New Zealand operators are testament to this view.*
- However, adaptation of our operation is important to ensure we meet our community's demand for skiing as a recreational pursuit for the coming decades. This includes focusing on higher altitudes and/or aspects, more efficient snowmaking infrastructure, transition to more efficient equipment and continuing to reduce and ultimately eliminate carbon emissions. Climate and carbon adaptation policies would be best considered as part of the wider concession application for The Remarkables Ski Area.*

It was evident that there were opposing views and opinions on the effect of climate change and global warming on the proposal. The Decision Maker should consider Part 3.25 in the Otago CMS (section 6.5.2 in this Report) considering that the ski field is likely to be operational for many more years, in particular policy 3.25.2 in relation to the proposal which states in full (with underline added for emphasis):

*“3.25.2 Should in considering the development of new and existing authorised ski fields apply a precautionary approach to the approval of new structures, accommodation facilities and terrain modification and consider both the likely effects of water use (for snow making), the likely longevity of the field in the face of climate change, and any appropriate land remediation and facility removal costs should the ski field cease to operate.”*

The activity will emit greenhouse gas emissions that will contribute to climate change and is an adverse effect on New Zealand's natural and historic resources in terms of s17U(1). The activity's contribution to climate change is relevant to the purpose of the Conservation Act, and the Conservation General Policy, in particular Policy 4.6 Ecosystem Services of the CGP (avoiding or otherwise minimising adverse effects on the quality of ecosystem services).

The 2050 target for emissions reductions in the Climate Change Response Act 2002 is also relevant in assessing the application and is consistent with the purpose of the Conservation Act.

Reducing greenhouse gas emissions requires measuring the emissions of the activity, developing, and implementing a plan to reduce those emissions, and if appropriate, offsetting those emissions. The Permissions Advisor recommends, if the application is approved, to include proposed special conditions itemised below as bullet-points, enabling the Department to require greenhouse gas emissions data from the Applicant during the term of the concession, and to amend the conditions to reflect climate change-related legislation and government or Departmental policy and that those conditions may, amongst other things, require the applicant to measure, manage and reduce the greenhouse gas emissions of the proposal.

The Decision Maker should consider Part 3.25 in the Otago CMS (section 6.5.2 in this Report), in particular policy 3.25.2 in relation to the proposal, and be satisfied that as the ski field is likely to be operational for many more years, despite potential climate change effects, any concession (if granted), will include provisions to remove facilities and remediate the land should the ski field cease to operate<sup>23</sup>.

Note:

- Refer to proposed climate change consideration special conditions 52-60 in Appendix 1 in this Report; and
- Discussion on the imposition of a bond in section 7.4.5 in this Report with respect to the main Remarkables ski area concession being processed under 96118-SKI; and

#### 6.1.16.4 Ecological assessment

An ecological assessment has been completed for the entire Rastus Burn Recreation Reserve (700ha).

#### 6.1.16.5 Resource Management Act

The effects of the proposal are to be considered also through the RMA process. For the purposes of the RMA consent considerations, as the site is within a 'ski area sub zone' internal RMA planning advice notes that the activity will be considered as a Controlled Activity which offers less ability for consideration of the matter under the RMA than were it outside that sub-zone (see relevant policies below); however, landscape is still an issue which can be taken into account.

Any approval by the Decision Maker here should be mindful of avoiding and mitigating these wider effects and be consistent with the 2016 Otago Conservation Management Strategy.

#### 6.1.16.5.1 Other consents

District Office provided the following contributions on consents.

Queenstown Lakes District Plan relevant policies:

Phillip Blakely in the Application states "*The relevant landscape provisions of Queenstown Lakes District Plan relating to the Ski Area Sub Zone have been met*" (pg. 18 of the Landscape and Visual Effects Assessment report.)

<sup>23</sup> Refer to draft concession [DOC-7398803](#), Clause 20.4 of Schedule 2 What happens on termination or expiry of the Concession?

## Controlled Activity Consent

### Queenstown Lakes District Plan relevant policies

Section 5.3.3.2 Controlled Activities:

#### *iii Commercial Recreation Activities*

*(a) Ski tows and lifts within the Ski Area Sub-Zones as shown on the District Plan Maps, in respect of their location, external appearance, alignment and methods of construction; and*

*(b) Night lighting in Ski Area Sub-Zones in respect of times, duration and intensity.*

Section 5.4.2.3 Assessment Matters General:

#### *vi Controlled Activity - Commercial Recreation Activities and buildings in Ski Area*

- *Whether the ski tow or lift or building breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.*

*(b) Whether the materials and colour to be used are consistent with the rural landscape of which the tow or lift or building will form a part.*

*(c) Balancing environmental considerations with operational characteristics.*

*(d) Potential effect on surrounding environment.*

*(e) Impact of lighting on the enjoyment of an adjoining property.*

In the Applicant's application, (a)-(e) above have been acknowledged, with the Applicant expanding on each point individually.

In Phillip Blakely's report he states *"In terms of the Queenstown Lakes District Plan (QLDC) my understanding is that both the Operative District Plan (ODP) and Proposed District Plan (PDP) are applicable but that the PDP has great weight"*

Blakely in his conclusion's states:

*"5. The relevant landscape provisions of Queenstown Lakes District Plan relating to the Ski Area Sub Zone have been met.*

*6. This type of infrastructure is expected in the Ski Area Sub-Zone. Importantly the natural character of the wider alpine environment will remain dominant"*

Ross Lawrence (NZSki Ski-field Manager) advised on 26 May 2023 via phone that he didn't think a controlled activity consent has been sought for this development.

District Office sought advice from a Senior RMA Planner regarding this:

<https://doccm.doc.govt.nz/cwxv4/wcc/faces/wccdoc?dDocName=DOC-7370931>

The Senior RMA Planner stated:

*There's actually a bit more to the controlled activity rule than just the landscape. I've copied the rule below. In simple terms, the new lift needs consent from QLDC, QLDC must grant the consent, but it can put conditions on the consent relating to any of the matters a-d.*

*So it's possible that QLDC could require changes that affect the details of the new lift, including location, design and construction methodology. Any changes probably wouldn't be significant enough to be an issue for the concession, but it definitely needs to be checked.*

*I'd recommend you contact NZSki and say that you see resource consent from QLDC is required under Rule 21.12.3, and*

- *can they confirm whether they have obtained the consent?*
- *If they have, can they confirm that it is consistent with what they've applied for under the concession?*
- *If they haven't, then I don't think that's ground to delay the concession, but we should make it clear that if the consent requires any changes that affect the concession it will be their responsibility to address that (ie the risk if there is a conflict between the consent and the concession sits with them)*

<b>21.12.3</b>	<b>Passenger Lift Systems</b>  <b>Control is reserved to:</b> <ol style="list-style-type: none"> <li>a. <b>the extent to which the passenger lift system breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes;</b></li> <li>b. <b>whether the materials and colour to be used are consistent with the rural landscape of which passenger lift system will form a part;</b></li> <li>c. <b>the extent of any earthworks required to construct the passenger lift system, in terms of the limitations set out in Chapter 25 Earthworks;</b></li> <li>d. <b>balancing environmental considerations with operational characteristics.</b></li> </ol>	<b>C</b>
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District Office checked the QLDC e-docs database to see if NZSki had lodged a consent application and saw the application: RM230257 in the system. The NZSki contact person for this is Louise McQuillan.

The description of the QLDC consent (RM230257) applied for is:

*On Hold External Report Required - NZSKI LIMITED - TO UNDERTAKE EARTHWORKS AND VEGETATION CLEARANCE IN ASSOCIATION WITH A PROPOSAL TO RELOCATE A CHAIRLIFT AND THE DEVELOPMENT OF SKI TRAILS AT 253 REMARKABLES SKI FIELD ACCESS ROAD, QUEENSTOWN*

In this application, NZSki noted that they have applied for two resource consents with Otago Regional Council - RM22.515, RM22.515.2.

This consent is currently on hold. District Office have looked into this and it does not appear that DOC have been asked for affected party approval.

The water consent from Otago Regional Council (RM22.515) can be found here: [docCM - Appendix 3 - ORC Resource Consents](#)

This is for *“Temporary damming and diversion of a stream associated with the construction of a new chairlift at Shadow Basin For a term expiring 9 December 2027”*.

DOC were not asked for APA on this consent.

It is unknown whether any other consents have been applied for by NZSki.

The below conditions are proposed to ensure that the concession approval does not supersede any other required approvals.

Proposed Condition:

What are the compliance obligations of the Concessionaire?

15.1 The Concessionaire must comply where relevant:

- (a) With the provisions of any conservation management strategy or conservation management plan under the Conservation Act 1987 or Part IIA of the Reserves Act 1977, or any general policy statement made under the Conservation Act 1987, Reserves Act 1977, National Parks Act 1980, or Wildlife Act 1953, or management plan under section 45 of the National Parks Act 1980, whichever is appropriate to the Land, together with any amendment or review of any policy, strategy or plan whether approved before, on, or after the date on which this Concession takes effect; and
- (b) with the Conservation Act 1987, the Reserves Act 1977, the National Parks Act 1980, Wildlife Act 1953 and any other statute, ordinance, regulation, bylaw, or other enactment (collectively the “Legislation”) affecting or relating to the Land or affecting or relating to the Concession Activity, including any regulations made under the Conservation Act 1987 and Wildlife Act 1953 or bylaws made under the Reserves Act 1977 or the National Parks Act 1980; and
- (c) with all notices and requisitions of any competent authority affecting or relating to the Land or affecting or relating to the conduct of the Concession Activity; and
- (d) with all Department signs and notices placed on or affecting the Land; and
- (e) with all reasonable notices and directions of the Grantor concerning the Concession Activity on the Land.”

As well as:

Other consents, approvals, and assessments

This concession approval will not supersede any other lawfully required consents, approvals and assessments from other agencies. This includes (but is not limited to) geotechnical, engineering, district and regional resource consents, and building consents. Copies of these approvals are to be provided to the Grantor prior to works commencing.

The Applicant's landscape and visual assessment<sup>24</sup> included a comprehensive discussion in *section 4.5 Statutory Provisions* on any RMA and statutory consenting requirements from the Queenstown Lakes District Council (QLDC).

Although not part of this Application, it is appropriate to refer to the landscape assessment<sup>25</sup> included in the application for the Remarkables ski area (96118-SKI) currently being processed. This wider scale assessment informs and complements the assessment included in this Application and also refers to any statutory requirements in section 15, Appendix 1 Statutory Provisions, 15.2 (Regional Plan) & 15.3 (District Plan).

The standard and proposed special conditions listed below reinforce that the onus is on the Applicant to ensure that any consenting requirements are met:

- Standard condition 15.1 of Schedule 2 in the standard concession template (in particular clause 15.1(c)). Where the concessionaire (in this case the Applicant if a concession is granted) must comply where relevant: with all notices and requisitions of any competent authority affecting or relating to the Land or affecting or relating to the conduct of the Concession Activity; and
- proposed special condition 36 in Appendix 1 in this Report.

#### 6.1.16.6 Section 17U(2)(b)

It is considered, pursuant to s.17U(2)(b), that there are no adequate methods or no reasonable methods for fully remedying, avoiding, or mitigating the permanent adverse effects of establishing a new passenger lift system requiring significant earth disturbance (cut and fill) for the formation of trails and modification of the access road.

However, the provision in section 17U(2) also states that the Minister may decline any application. With regard to this discretion, the effects of the Remarkables ski area within the Rastus Burn Recreation Reserve have been long established, as it has provided public recreation, benefit and enjoyment since circa 1985, and the effects of a ski field operating at this location are well known and understood by the Applicant and the Department of Conservation. While the proposal will result in permanent modification to the landscape, it is recognised, due to the nature of a ski area at this location, that ongoing improvements and modifications consistent with the operation of a ski area will result, as reflected in this Report and the relevant parts of the Otago CMS (section 6.5.2 in this Report). Whilst the permanent impact of the proposal on conservation lands and waters cannot be fully remedied, avoided, or mitigated, the proposal can be managed by conditions (based on similar proposals carried out by the Applicant at this location), in particular, the proposed establishment special conditions (including restoration/rehabilitation of the land) referred to in Appendix 1 in this Report.

#### 6.2 S17U(3): Purpose for which the land is held

A concession shall not be granted if the proposed activity is contrary to the purpose for which the land is held.

Criteria for decision:

<sup>24</sup> [DOC-7220579](#): Appendix [H] Blakely and Associates - Remarkables Ski Area, Shadow Basin Chairlift Replacement, Landscape and Visual Assessment (February 2022)

<sup>25</sup> [DOC-7266628](#): Rastus Burn Recreation Reserve Landscape and Visual Assessment | December 2022 | Blakely Wallace Associates

- Is the activity not contrary to s17U(3) of the Conservation Act? (That is, consistent with the purpose for which the land is held – although note that ‘not contrary to’ is not as high as a test as ‘consistent with’).

Yes ~~No~~

Discussion:

The Rastus Burn Recreation Reserve is held as Recreation Reserve under s.17 of the Reserves Act 1977.

Recreation reserves are held “..., for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.”

The principal or primary purpose of the Rastus Burn Recreation Reserve is for the existence and management of the Remarkables ski area under the Reserves Act 1977. In conjunction with this principal or primary purpose there are administrative provisions to consider under s17(2) of the Act with regard to public access s.17(2)(a) and conservation values such as “where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:” s.17(2)(b), and “those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment and to the better use and enjoyment of the reserve shall be conserved.” s.17(2)(c), “to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.” s.17(s)(d). (Note: underline added for emphasis).

Furthermore, the general purpose of the relevant Act (being the Reserves Act 1977) is:

**“3 General purpose of this Act**

- (1) It is hereby declared that, subject to the control of the Minister, this Act shall be administered in the Department of Conservation for the purpose of–
- (a) providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing–
    - (i) recreational use or potential, whether active or passive; or
    - (ii) wildlife; or
    - (iii) indigenous flora or fauna; or
    - (iv) environmental and landscape amenity or interest; or
    - (v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value:
  - (b) ensuring, as far as possible, the survival of all indigenous species of flora and fauna, both rare and commonplace, in their natural communities and habitats, and the preservation of representative samples of all classes of natural ecosystems and landscape which in the aggregate originally gave New Zealand its own recognisable character:
  - (c) ensuring, as far as possible, the preservation of access for the public to and along the sea coast, its bays and inlets and offshore islands, lakeshores, and riverbanks, and fostering and promoting the preservation of the natural character of the coastal environment and of the margins of lakes and rivers and the protection of them from unnecessary subdivision and development.

(2) *In the exercise of its administration of this Act, the Department may take any action approved or directed from time to time by the Minister so far as it is consistent with this Act or is provided for in any other Act and is not inconsistent with this Act.”*

Section 3(2) of the Reserves Act states that “*In the exercise of its administration of this Act, the Department may take any action approved or directed from time to time by the Minister so far as it is consistent with this Act or is provided for in any other Act and is not inconsistent with this Act.” (underline added for emphasis).*

In addition, the Conservation Act requires that a concession is not granted under circumstances in which the proposed activity would be contrary to purposes for which the land is held.

There is provision in s.59A of the Reserves Act 1977, where the Minister may, in accordance with [Part 3B](#) of the Conservation Act 1987, *grant a concession in respect of any reserve vested in the Crown* - discussed in detail below. The mandatory nature of the wording in s.17(1) of the Reserves Act 1977 and Part 1, s.2(1)<sup>26</sup> of the Conservation Act 1987 suggests that the proposed activity may be inconsistent with/contrary to the provisions of the Acts. However, the provisions contained within Part 3B of the Conservation Act 1987, in particular s.17U of the Act require the Minister to also consider a number of other matters, including the effects of the proposed activity, the conservation values to be protected, and to question whether the granting of the application, with or without conditions (comprising safeguard and mitigation measures) would provide protection of those resources and more specifically the administrative provisions in s.17(2). This consideration gives effect to the wording in s.59A of the Reserves Act 1977, in particular s.59A(1) “*The Minister may, in accordance with [Part 3B](#) of the Conservation Act 1987, grant a concession in respect of any reserve vested in the Crown...*”, and s.17Q(1) of the Conservation Act 1987 “*...the Minister may grant a concession in the form of a lease, licence, permit, or easement in respect of any activity.*”

Accordingly, the proposed activity is both consistent with the relevant Act (Reserves Act), and not inconsistent with the relevant Act (Reserves Act), not contrary (Conservation Act) to the purposes for which this Recreation Reserve is held (especially in its current state), along with the reason for it being set aside being the existence and management of the Remarkables ski area, if a concession was granted to allow this proposal to be authorised, subject to conditions.

For the purposes of section 3 of the Reserves Act 1977 and section 17U(3) of the Conservation Act 1987, there are no provisions of the Acts that would be breached by the granting of a concession in the form of a lease, licence and easement.

S17U(4): Can a structure or facility be reasonably undertaken elsewhere?

*A concession to build or extend a structure or facility shall not be granted if the activity could reasonably be undertaken in another location that is outside conservation land or in another conservation area where the potential adverse effects would be significantly less, or if the activity could reasonably be undertaken in an existing structure.*

Criteria for decision:

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<sup>26</sup> “*conservation* means the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations.”

- Is the activity consistent with s17U(4) of the Conservation Act? (That is, the activity cannot reasonably undertaken at another location or in an existing structure?)

Yes / ~~No~~ / NA

Discussion:

***“17U Matters to be considered by Minister***

*(4) The Minister shall not grant any application for a concession to build a structure or facility, or to extend or add to an existing structure or facility, where he or she is satisfied that the activity–*

*(a) could reasonably be undertaken in another location that–*

- *is outside the conservation area to which the application relates; or*
- *is in another conservation area or in another part of the conservation area to which the application relates, where the potential adverse effects would be significantly less; or*

*(b) could reasonably use an existing structure or facility or the existing structure or facility without the addition.”*

*Recommendation Report (Issue 3) Location of replacement lift*

Forest & Bird (Objection 17)

*3.3 The application provides no information or evidence as to why the chair lift cannot be replaced in its current alignment and why an extension is necessary. It is assumed that extending accessibility to higher elevation is required because of less snow at lower levels due to effects of climate change.*

*3.5 Potential effects of this proposal would be significantly less if the chair lift system was being replaced along the same alignment. Decision makers must be satisfied that that activities cannot be reasonably undertaken on the existing trails and lift alignment.*

*Applicant comments at Hearing:*

With respect to s.17U(4)(b), the applicant could not reasonably use an existing structure or facility as it has aged, needs replacing, and is no longer fit for the Applicant’s operational purpose.

- The alignment of the lift location was raised, with the proposed lift alignment and top station locations being different to the existing alignment.
- The reason behind the applicant wanting to realign the chairlift is that it will open up an additional 46.7 hectares of lift accessed terrain within the existing Remarkables Ski Area.

This is a new application to establish a replacement Shadow Basin passenger lift system at a new location within the Rastus Burn Recreation Reserve to which the Applicant has sought a longer, faster, more direct lift line from the base building area and associated trail earthworks and road access changes to provide for:

- Servicing additional skier capacity by way of a larger and faster (6 seat) chairlift;
- Opening up an additional 46.7 hectares of skiable terrain; and

- An improved intermediate level skier experience.

It is appropriate for the Decision Maker to consider each provision under section 17U(4) separately.

#### Section 17U(4)(a)(i)

It is considered that section 17U(4)(a)(i) does not apply as the proposed activity to realign and replace the Shadow Basin lift cannot be located outside the Rastus Burn Recreation Reserve, as this is where the ski field activity (including associated buildings and facilities) is located.

#### Section 17U(4)(a)(ii)

The existing Shadow chairlift services one of three main basins at the Remarkables Ski Area. To continue to service the Shadow Basin as part of the existing commercial ski area a lift is needed here. The current lift is coming to its end of life and will need replacing in some form/alignment. Although if the chairlift was to be replaced in its current alignment potential adverse effects would be less, it is unreasonable to expect the current chairlift (being smaller) and current trail alignments, to provide for the above activities being sought to service a modern ski field: a larger and faster (6 seater) chairlift, the opening up of an additional 46.7 hectares of skiable terrain, and improving the intermediate level skier experience, noting that where there are additional effects resulting from this alignment they are able to be mitigated by conditions.

#### Section 17U(4)(b)

It is considered that section 17U(4)(b) does not apply as the current chairlift, being 37+ years old, is no longer fit for purpose and needs to be replaced. Therefore, the Applicant cannot reasonably continue to use this chairlift and simply add to it.

Section 17U(4) is directive in that the Minister shall not grant any application for a concession if the Minister is satisfied that the activity *“could reasonably be undertaken in another location...”*.

As the provisions under section 17U(4) i.e. section 17U(4)(a)(i)-(ii) and 17U(4)(b) are “or” provisions and not “and”, the Decision Maker should be satisfied that the statutory test as required under s.17U(4) has been met.

### 6.4 Appropriateness of Granting a Lease or Licence or Easement

The Applicant sought three classes of concession in the Application. These included a lease, a licence and an easement. The dimensions of each of these areas is set out in section 6.4 in this Report and are more particularly described in the Application.

In general, this Report agrees with the approach taken by the Applicant that three classes of concession be granted:

- A lease to correspond with the footprint of the top station & operator building and bottom station and chair storage building;
- A licence for the road access changes, constructing two new trails within the skiable terrain and alteration of a stream bed, and
- An easement for the 11 chairlift towers & cables and ancillary infrastructure to facilitate the installation of snow making infrastructure – trenching of water pipe, airline, power cable and fibre optic telecommunication cabling.

#### 6.4.1 Recommendations on dimensions and definition of the Lease, Licence and Easement Areas

#### Proposed Lease and Licence Area

It is considered that a lease is appropriate as the proposal relates to 1 or more fixed structures and facilities [s.17U(5)(a)] and accordingly the lease footprint has been identified below in the “Lease, Licence and Easement Areas defined” section of this report. Exclusive possession is considered appropriate over certain buildings and structures for:

- reasons of public safety, for example a passenger lift return system and associated building where the public are physically excluded from the site to protect them from hazards that may result from operating machinery [s.17U(6)(a)]; and
- for the purposes of safety or security of certain assets (buildings and structures) [s.17U(6)(b)]; and
- to ensure that the Applicant can operate the activity competently as they have a significant investment in buildings and related infrastructure [s.17U(6)(c)].

It is also considered appropriate to grant a licence for areas around the defined lease area for the purposes of safety or security at the location [s.17U(5)(b)(i)(A)] and to clearly define an area that is an integral part of the activity on the land, being the main ski field area/skiable terrain (slopes) [s.17U(5)(b)(i)(B)]. This will not only allow the Applicant to operate effectively but, will also allow public access for non-ski recreational opportunities.

It is noted that the Applicant has appropriate health and safety processes in place to ensure public safety, in general, is maintained over non-leased areas.

The Minister should be satisfied that the grant of a lease and licence granting an interest in the land is essential to enable this proposed activity to be carried out [s.17U(5)(b)(ii)].

#### Lease, Licence and Easement Areas Defined

Applying s17U of the Act, the Department considers the types of activities related to this application can be defined and categorised as detailed below, and as described in the overview in section 6.1.1, breakdown in Table 1 and plans and diagrams in Appendix 2<sup>27</sup> & 3<sup>28</sup> in this Report.

#### Proposed Lease Area

Footprint of structures and facilities being approximately 692.3381m<sup>2</sup> (0.0692 hectares) comprising:

- Bottom station (approximately 6.921m high above finished ground level; canopy 9.890m wide x 21.99m long; footprint of 217.48m<sup>2</sup>).
- Bottom station chair storage building (6m wide x 25m long; footprint of 150m<sup>2</sup>).
- Top station (approximately 6.921m high above finished ground level; canopy 9.890m wide x 31m long; footprint of 275.59m<sup>2</sup>).
- Top station integrated lift operator building (approximately 3.704m high above finished ground level x 8.09m wide x 6.09m long; footprint of 49.2681m<sup>2</sup>).

#### Proposed Licence Area

The proposed licence area will result from changing/modifying the road access, the two trails/skiable terrain and alteration of a stream bed being approximately 54,487.662 m<sup>2</sup> (5.4488 hectares) and comprises:

- road access change- over an area of approximately 15,900m<sup>2</sup>.<sup>29</sup>
- the two trails/skiable terrain(slope) – over an area of approximately 34,975.142m<sup>2</sup>.<sup>30</sup>

<sup>27</sup> [DOC-7220490](#): Southern land Development Consultants proposed earthworks plans.

<sup>28</sup> [DOC-7220572](#): Plans of Passenger Lift System & Associated Buildings

<sup>29</sup> See Table 1 above and refer to [DOC-7220490](#)

<sup>30</sup> Excluding lease area top station 275.59m<sup>2</sup> and integrated lift operator area 49.2681m<sup>2</sup> = 324.8581m<sup>2</sup>

- bottom station – over an area of approximately 3,532.52m<sup>2</sup>.<sup>31</sup>
- alteration of a stream bed – over an area of approximately 80m<sup>2</sup>.

#### Proposed Easement Area

The easement area of approximately 12,552.192m<sup>2</sup> (1.2552 hectares) will comprise:

- Utilities and services (above and below-ground infrastructure) (approximately 1,300m<sup>2</sup><sup>32</sup>);
- Ancillary equipment (above and below-ground infrastructure) such as snow making and pumping equipment (wands/snow guns), towers, lift cables, ski lift chairs [approximately 11,252.192m<sup>2</sup><sup>33</sup>].

#### Dunedin Service Centre Recommendations

This Report recommends that a lease be granted in relation to proposed structures because the tests set down in s.17U(5)(a) and s.17U(5)(b)(i)(A) and s.17U(5)(b)(ii) are met. The Department is also satisfied, pursuant to s.17U(6), that exclusive possession is necessary over certain buildings and structures.

In addition to creating a lease in relation to the existing structures it is proposed to include a clearly defined licence area to change the road access, establish two new trails within the skiable terrain and alter the stream immediately proximate to the structures, as this is an integral part of the activity [s.17U(5)(b)(i)(B)].

In considering which area or areas around the structure or facility should be within this licence area, regard has been had to the Application.

#### S17W: Relationship between concessions and conservation management strategies and plans

A concession shall not be granted unless the proposed activity is consistent with any established conservation management strategy, conservation management plan, and/or national park management plan.

Criteria for decision:

- Is the activity consistent with all relevant statutory planning documents?

Yes / ~~No~~

Discussion:

Where a conservation management strategy or conservation management plan exists for a particular location a concession can only be granted if doing so is consistent with the management strategy or plan (s17W).

In this case a conservation management strategy does affect the area to which the application relates. The relevant management strategy is the *Otago Conservation Management Strategy 2016* (“*Otago CMS*”). *The Otago CMS* is subservient to the Conservation General Policy 2005 in so far as it must implement the general policies set out in the 2005 document and it must not derogate from the general policies. Where a conservation management strategy is silent on an issue reference can be made to the Conservation General Policy for direction.

<sup>31</sup> Excluding lease area for bottom station 217.48m<sup>2</sup> and chair storage building 150m<sup>2</sup> = 367.48m<sup>2</sup>

<sup>32</sup> From section 6.1.1 in Report: 1.3 km in length = 1,300m x easement corridor of 1m = 1,300m<sup>2</sup>.

<sup>33</sup> From section 6.1.1 in Report: 39 concrete in-ground pits 1.6m long x 1.2m wide x 1.6m high = 74.88m<sup>2</sup>; Towers (11) 6 x 6m each = 396m<sup>2</sup>; overhead easement for cables and chairlift infrastructure: horizontal length of chairlift 842.29m x clearance ropeway equipment 12.8m = 10,781.312m<sup>2</sup>.

There is no longer a relevant conservation management plan for the area.

#### 6.5.1 Conservation General Policy (May 2005) (CGP)

With regard to *Part 9. People's Benefit and Enjoyment*, in particular relevant policies 9.1(a) to 9.1(h); in particular 9.1(f) below:

- 9.1 (f) Recreational opportunities at places should be managed to avoid or otherwise minimise any adverse effects (including cumulative effects) on:*
- i. natural resources and historical and cultural heritage where required by the relevant Act;*
  - ii. the qualities of peace and natural quiet, solitude, remoteness and wilderness, where present; and*
  - iii. the experiences of other people.*

With regard to *Part 11. Activities Requiring Specific Authorisation (not covered elsewhere)*, in particular relevant policies 11.1(a) to 11.1(e), and *Part 11.3 Utilities* and policies 11.3(a) to 11.3(e); in particular 11.1(a)-(c) below:

- 11.1 (a) Any application for a concession or other authorisation will comply with, or be consistent with, the objectives of the relevant Act, the statutory purposes for which the place is held, any other conservation management strategy or plan.*
- 11.1 (b) All activities on public conservation lands and waters which require a concession or other authorisation should, where relevant, avoid, remedy or mitigate any adverse effects (including cumulative effects) and maximise any positive effects on natural resources and historical and cultural heritage, and on the benefit and enjoyment of the public, including public access.*
- 11.1 (c) The Department and all concession and other authorisation holders should monitor the effects of authorised activities on natural resources, historical and cultural heritage, and the benefit and enjoyment of the public, including public access, to inform future management decisions.*

After considering the discussions in relation to s.17U *Matters to be considered by the Minister* in this Report and the Otago CMS below, the Minister should be satisfied that the proposed activity is consistent with the CGP.

#### 6.5.2 Otago Conservation Management Strategy 2016 (“Otago CMS”)

Provisions relevant to this matter are found in Parts One, Two (Places) and Three (Specific policy requirements).

To guide decision making the pre-ambles to Part Two (Places) notes:

- Outcomes describe the future state of a Place, including its values, and reflect the expected changes at that Place over the 10-year term of the CMS. They will be used for conservation management and when making decisions, including in the absence of a relevant specific policy for a Place.
- Policies describe the course of action or guiding principles to be used for conservation management and when making decisions. Policies refer to public conservation lands and waters within a Place unless they are addressing matters of advocacy.
- Milestones are specific actions that are measurable steps towards achieving the outcomes and policies.

Part Two must be read in conjunction with Parts One and Three. Where the provisions in Part Two are more specific than the provisions in Part One and/or Part Three, the more specific provisions in Part Two prevail.

Analysis of the Otago CMS with respect to this proposal is provided alongside individual CMS provisions (in *italics*) relevant to this matter in the body of the table below, with comments.

The conservation land affected by the application is referred to in Part 2.3 of Otago CMS (pages 57 to 74).

- Extracts taken from *Part One* (pages 17 to 44), parts 1.5 and 1.5.3 of Otago CMS; Objectives 1.5.1.1, 1.5.3.1, 1.5.3.12 ;
- Extracts taken from *Part Two – Places*, part 2.3 of Otago CMS (pages 57 to 74); Outcome, Policies 2.3.2, 2.3.7, 2.3.21 – 2.3.22;
- Extracts taken from *Part Three – Specific policy requirements for Otago* (pages 121 to 156); Parts 3.1, 3.2, 3.6, 3.10 & 3.25 of Otago CMS; Policies 3.1.11, 3.2.12, 3.25.1 – 3.25.6.

Extracts taken from *Part One* (pages 17 to 44); part 1.3 of Otago CMS

## *1.5 Otago by 2026*

### *1.5.1 Natural heritage*

#### *Objectives*

*1.5.1.1 The diversity of New Zealand’s natural heritage is maintained and restored, with priority given to:*

- c) conserving threatened species to ensure persistence,<sup>9</sup> with an emphasis on those species listed in Appendix 5;*
- e) conserving significant geological features, landforms and landscapes, including those listed in Appendix 9, where they are on public conservation lands and waters.*

Given the ecological assessment recording a number of Threatened plants within the proposed redevelopment site, objective 1.5.1.1.c applies.

The Remarkables are considered a significant landscape and whilst Appendix 9 does not identify Rastus Burn Recreation Reserve specifically, it does identify the Remarkables Conservation Area.

It is considered that subject to the application of the proposed conditions and the DOC/NZSki Rehabilitation Protocol, the provision of recreation opportunity proposed here is not inconsistent with objectives 1.5.1.1 c) and e).

### *1.5.3 Recreation*

#### OBJECTIVES

*1.5.3.1 Understand demand for outdoor recreation and provide recreation opportunities where:*

- a) *the recreation opportunities are consistent with:
 
  - i) *the protection of indigenous natural, historic and cultural resources; and*
  - ii) *the purpose for which the lands and waters concerned are held; and**
- b) *demand is evident; and*
- c) *demand is expected to be sustained.*

Importantly, with respect to the purposes for which this land is held, The Remarkables Ski Area is within the Rastus Burn Recreation Reserve, set aside in 1980 to allow for the development of a ski area in the early 1980's, and added to since then. The ski area has flourished since then with continued ongoing investment and increased visitor numbers. Demand is clearly evident and expected to be sustained.

*1.5.3.12 Encourage recreation opportunities on public conservation lands and waters that are consistent with outcomes for a Place and that meet one or more of the following:*

- a) *emphasise access close to urban and holiday accommodation areas, and State Highways;*
- b) *integrate recreation opportunities on and off public conservation lands and waters;*
- c) *integrate recreation opportunities across Otago and with neighbouring public conservation lands and waters;*
- d) *integrate recreation opportunities with objectives in sections 1.5.1–1.5.5;*
- e) *provide education benefits to schools and educational groups;*
- f) *have been subjected to thorough environmental impact assessment and landscape design processes, and are likely to have minimal environmental and landscape impacts; and*
- g) *are supported or enabled by facilities that are able to be maintained into the future.*

Subject to consistency with Part Two Places discussed below, the proposal is not inconsistent with these provisions.

Importantly, environmental impact assessment, landscape design processes and suggested conditions of any approval have been provided by the applicant and reviewed by the Department. Additional conditions have been proposed to minimise the effects on the natural heritage (see following sections).

Extracts taken from *Part Two – Places (pages 57 to 74)*; part 2.3 of Otago CMS

The Remarkables Ski Area is in the Western Lakes and Mountains/Ngā Puna Wai Karikari a Rākaihautū (the Place) (Section 2.3). Several outcome statements relate to this proposal:

*OUTCOME*

*The mountains, lakes and rivers are cherished natural wonders that draw international and domestic visitors and provide an outstanding backdrop to and locations for a wide range of outdoor adventures and activities while supporting distinctive indigenous ecosystems and species...*

*Further local extinctions have not occurred and populations of threatened and at-risk species are improving within their natural range, and are becoming more common sights...*

*Prominent landscape and geological features (ridgelines, and mountain tops) remain in their natural state, or are unmodified beyond their state at the time of becoming public conservation lands and waters. Within public conservation lands and waters away from prominent landscapes*

*and geological features, structures may be present where well-blended into the landscape or where buildings already exist.*

*More people enjoy a wide range of recreational opportunities and experiences within the recreation setting across the Western Lakes and Mountains/Ngā Puna Wai Karikari a Rākaihautū Place, provided by the Department, the community and many commercial providers. The range of experience and opportunities enables people to choose between remote, quiet and tranquil locations and busy, highly visible sites...*

*The Remarkables, Coronet Peak and Treble Cone ski fields provide for intensive use and are highly valued recreation and tourism opportunities enabling access to high-altitude areas. Recognition of the ski fields' location on public conservation lands and waters, and conservation interpretation, are readily apparent to visitors. Ski fields are managed in a precautionary approach in terms of new and additional structures and terrain modification. Further development of existing ski fields may occur, in preference to any new ski fields. Disturbed areas are restored to an agreed standard comparable with that which was present prior to any development.*

#### *Remarkables-Hector*

*The outstanding natural landscapes and ecological values of The Remarkables and Tāpuae-o-Uenuku/Hector Mountains are intact and enjoyed by more people. Wilding trees and feral goats are being controlled to zero density by sustained control.*

*A range of recreational experiences is available in the Remarkables-Hector area ranging from largely unmodified environments where a sense of solitude and remoteness can be found in a largely unmodified environment (Wye Creek valley), to the Remarkables busy ski field.*

Assessment of these Outcome statements is as follows:

This proposal is for development of an existing ski field, as recognised by and consistent with the specific Outcome statement for ski fields. Within the proposed activity development area/footprint, disturbed areas are to be restored to an agreed standard comparable to that prior to development.

It is considered that, subject to the application of the proposed conditions, the proposal is not inconsistent with a precautionary approach as it is the replacement and upgrade of existing infrastructure; and will be subject to existing construction and restoration protocols.

The general Outcome statement requiring prominent ridgelines and mountaintops to remain in their natural state, or unmodified beyond the time of becoming public conservation lands and waters, needs to be interpreted in the context of the specific Outcome for ski fields. The former acknowledges that modifications have occurred prior to the Department acquiring and administering the land, and the latter, that new and additional structures and terrain modifications can occur.

From the time the Rastus Burn Recreation Reserve came under the Department's administration, modification of the reserve has occurred, more recently by the Sugar Bowl and Curvey Basin lift station immediately below the ridgeline.

The more specific ski field Outcome should be applied, but consideration should be given to minimising the adverse effects of the proposed development on the landscape. As a replacement/upgrade (albeit at a new location within the reserve) to the existing structure, this proposal is for a larger, more visible top terminal within the Rastus Burn Recreation Reserve, compared to infrastructure already there and accepted for 35 plus years in that location.

The proposal is consistent with the other general Outcome statements as it provides for a wide range of recreational opportunities for international and domestic visitors.

#### *POLICIES*

*2.3.2 Should allow motorised vehicle, mountain bike and electric power-assisted pedal cycle use only as identified in Table 2.3, and Policies 3.2.1-3.2.12, 3.3.1-3.3.8 and 3.4.1-3.4.5 in Part Three.*

*2.3.7 Should allow over-snow vehicle use only for the purpose of ski field management within ski field lease/licence areas subject to the provisions of the lease/licence and in accordance with Policies 3.2.12 and 3.25.6.*

Refer to bullet-point in section 7.1 in this Report (Concession Activity) “*Use of vehicles to carry out establishment and operational activities;*”

#### *Remarkables-Hector*

*2.3.21 When considering, applications for new utilities, structures or facilities throughout this Place (with the exception of the upper Wye Creek valley), should have particular regard to the potential adverse effects on:*

- a) natural ecosystems, landscapes and natural character, particularly in areas where structures and facilities are currently absent;*
- b) catchment water quality and quantity, including in Lake Alta;*
- c) priority ecosystem units and threatened species;*
- d) natural quiet;*
- e) current recreational uses; and*
- f) opportunities available for such structures or developments off public conservation lands and waters.*

Refer to section 6.1 in this Report for analysis of part 2.3.21(a)-(f).

*2.3.22 May allow further development and/or expansion of the Remarkables ski field (with the exception of the upper Wye Creek valley) in accordance with Policies 3.25.1-3.25.6 in Part Three, provided that adverse effects (including cumulative effects) are avoided, remedied or mitigated on the following values:*

- a) *the outstanding natural landscapes and ecological values of The Remarkables and the Tāpuae-o-Uenuku/Hector Mountains;*
- b) *the landscape and ecological (including water quantity and quality) values of the priority ecosystem unit at Lake Alta;*
- c) *the recreational experiences of other users; and*
- d) *the ability of users to access the area year round.*

Refer to discussion of Part 3.25 below, and s.17U(2)(b) in section 6.1.16.6 in this Report for analysis of policies 2.3.22(a)-(d).

Extracts taken from Part Three – Specific policy requirements for Otago (pages 121 to 156); parts 3.1, 3.2, 3.6, 3.10 and 3.25 of Otago CMS

### *3.1 General*

#### *Authorisations*

*Unless enabled by other legislation (<sup>45</sup>examples are the Electricity Act 1992 and Cadastral Survey Act 2002), anyone wishing to undertake an activity for specific gain or reward (including carrying out a trade, occupation or business) on public conservation lands and waters..., or the construction of a structure, requires an authorisation. The most common authorisation is a concession under Part 3B of the Conservation Act 1987. The Department aims to allow for a range of authorisations that are consistent with relevant legislation and policy, the protection of natural resources and historic and cultural values, and the recreational settings and planned outcomes and policies for specific Places (Part Two).*

*Three ski fields (Coronet Peak, Treble Cone and The Remarkables) have authorisation to operate on public conservation lands and waters (see 3.25 Ski fields).* (underline added for emphasis).

#### *Policies*

*3.1.11 Should not grant authorisations that are inconsistent with the objectives, outcomes and policies in Part One, the outcomes and policies for Places in Part Two-Places, or the policies in Part Three.*

See summary below.

### *3.2 Vehicles*

*Over-snow vehicles are used in the day-to-day management of ski fields, including search and rescue.*

#### *Policies*

*3.2.12 The use of over-snow vehicles for the purpose of ski field management within ski field lease/licence areas is permitted and subject to the provisions of the lease/licence and in accordance with Policy 3.25.6.*

The proposal's use of over snow vehicles is not inconsistent with 3.2.12. If the proposal is approved, the use of vehicles will be authorised in the Concession Activity of any contract (refer to section 7.1 in this Report).

### 3.6 Aircraft

The proposal is within the orange Aircraft Access Zone.

3.6.1 *Should apply (but not be limited to) the following criteria when assessing concession applications for all aircraft landings:<sup>48</sup>*

- a) is consistent with the outcome and policies for the Place in which the activity is proposed to occur and Table 3.6.1;*
- b) is consistent with the aircraft zoning provisions in this CMS and the aircraft access zones on Map 4;*
- c) is consistent with the purposes for which the lands and waters concerned are held;*
- d) adverse effects on conservation values including adverse effects on natural quiet are avoided, remedied or mitigated;*
- e) adverse effects on other visitors (taking into account the size of zone and the proximity of other ground users) are avoided, remedied or mitigated;*
- f) the need for monitoring the activity using global positioning systems and newer technologies;*
- g) landings near tracks, huts and car parks (unless otherwise specified in an outcome or policy for a Place) are avoided; and*
- h) the need to hold and comply with certification in a noise management scheme approved by the Department, in specified locations.*

3.6.5 *May grant, concessions for aircraft landings in the Orange Zone that meet the criteria (a) and (c)–(h) in Policy 3.6.1 and as set out in Table 3.6.2. Any heli-skiing concession that is approved should be on a one operator per block basis, and may be allocated via a limited opportunity process.*

Table 3.6.2 Orange Zone Criteria

CONSERVATION AREA(S)	ORANGE ZONE CRITERIA—TO BE MANAGED
Remarkables Conservation Area (part), Rastus Burn Recreation Reserve and Conservation Area— Ben Nevis Scenic Reserve	For heli-skiing in part of this area  For regular landings with specified daily limits per operator  based on visitor management zones as follows: — For frontcountry sites, 10 per operator per day — For backcountry sites, 5 per operator per day

	<p>– For remote sites, 2 per operator per day</p> <p>Some sites have seasonal restrictions on landings</p> <p>Wye Creek ice wall—for climbers’ access to the ice wall only</p> <p>Concessionaire landing site for servicing heli-biking operations</p> <p>One-off landing concessions considered on a case-by-case basis</p> <p>NZ Ski controls aircraft access within the ski field lease area</p>
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The Department of Conservation controls aircraft access within the Rastus Burn Recreation Reserve. NZ Ski controls aircraft access within the ski field lease area. A concession is required for hovering and landing of aircraft outside the lease area for the construction work identified in the proposal in line with the above policies. The use of helicopters has been discussed in section 6.1.1 (helicopter access) in this Report. If the proposal is approved, the use of helicopters will be authorised in the Concession Activity of any contract (refer to section 7.1 in this Report).

*Section 3.10 Structures and utilities*

*Structures and utilities can be temporary or intended for long-term use. They can share space (usually a public facility) or require exclusive occupation of space (usually a private facility). Both may be either commercial or non-commercial in nature.” (underline added for emphasis).*

*3.10.1 Should apply the following criteria when considering applications to erect or retain structures or utilities or for the adaptive reuse of existing structures on public conservation lands and waters:*

*a) the purposes for which the lands and waters concerned are held;*

The proposal is within the Rastus Burn Recreation Reserve, initially set aside in 1980 and added to since, to accommodate the skifield development. The activities proposed are consistent with the purposes of a recreation reserve (section 17, Reserves Act 1977). Refer to section 6.2 in this Report.

*b) the outcomes and policies for the Places where activity is proposed to occur;*

See Part Two analysis above.

*c) whether the structure could reasonably be located outside public conservation lands and waters;*

The proposed skifield structures are inside the Rastus Burn Recreation Reserve and ski area. They cannot be reasonably located off public conservation lands and waters.

*d) whether the structure could reasonably be located in another location where fewer adverse effects would result from the activity;*

This is the replacement and upgrade of the Shadow Basin lift in a different location within the Rastus Burn Recreation Reserve. It is unreasonable to locate it elsewhere, other than in the Rastus Burn Recreation Reserve. Refer to further discussion in section 6.3 in this Report.

*e) whether the structure adversely affects conservation, including recreational values;*

As discussed in section 6.1 in this Report, the proposal will have an adverse effect (to varying degrees) on a range of ecological and geological conservation values such as wildlife, vegetation, landscape, amenity and recreation (refer to section 6.1 for detailed discussion). There will be significant earth disturbance and modification of the natural terrain resulting from the formation of the 3 new trails, visual disturbance from towers in a different location and a bigger, more visible top station. Landscape values will be mitigated in part by the decommissioning of the old Shadow Basin chairlift.

As discussed in section 6.1.10 in this Report, submitters and the applicant provided a range of views on the effects on amenity and recreational values<sup>34</sup>.

The Applicant states that the enhanced lift will have a positive effect as having a higher capacity, more reliable chairlift is critical to providing skiers with an improved experience, and will enable the Applicant to use the most advanced safety features available for aerial ropeways.

During construction, the effects to recreational values through the operation of machinery, noise (impact on natural quiet) and a loss of amenity values will be significant and unavoidable. This will include a need to consider road users during construction. These temporary effects will need to be mitigated through good communication and modification of public expectation during this time through such channels as media and signage.

As for the permanent modification of the landscape resulting from the formation of, in particular, the upgraded road access and 2 new trails within the skiable terrain. There will be possible adverse effects on off-season recreational values such as movement of boulders and earthworks that will affect the aesthetic values for non-skier visitors such as trampers.

Once construction is complete and restoration is progressing, the effects on recreation (except for any possible adverse effects from the permanent modification of the landscape) are likely to be minor and, in fact, as discussed above, may enhance recreational opportunities.

<sup>34</sup> Issues 1.3 and 1.9 in Hearing report.

Reasonable methods to manage the adverse effects on conservation values resulting from the proposed activity as discussed in this Report, can be achieved by conditions.

f) *whether the structure is readily available for public use;*

Yes

g) *whether the structure is consistent with the visitor management zone on Map 3 and as described in Appendix 12;*

The recreation reserve is zoned Frontcountry. The proposal is not inconsistent with this zone subject to conditions to avoid or mitigate adverse effects (Appendix 12 – Setting: Preferred concessions effects management).

h) *whether the activity promotes or enhances the retention of a historic structure;*

Not applicable.

i) *whether the activity is an adaptive reuse of an existing structure;*

No, but it is for all intents and purposes the replacement, upgrade and relocation of the existing Shadow Basin chairlift infrastructure, including changing/modifying a road for better vehicle access, and formation of 2 new trails within the Rastus Burn Recreation Reserve.

j) *whether the policies for private accommodation and related facilities should be applied (see Policies 3.11.1 and 3.11.6); and*

Not applicable.

k) *whether any proposed road in a national park is provided for in the relevant national park management plan.*

Not applicable.

### 3.25 Ski fields

#### *Policies (page 155)*

3.25.1 *May allow further development of existing authorised ski fields, where their natural values are already modified, in preference to the development of new ski fields.*

This is the development of an existing ski field with already highly modified natural values.

3.25.2 *Should in considering the development of new and existing authorised ski fields apply a precautionary approach to the approval of new structures, accommodation facilities and terrain modification and consider both the likely effects of water use (for snow-making), the likely longevity of the field in the face of climate change, and any appropriate land remediation and facility removal costs should the ski field cease to operate.*

A precautionary approach is applied here as the proposal is: being undertaken on or in the vicinity of already heavily modified terrain, or is the replacement and upgrade of existing

infrastructure; and subject to existing construction and restoration protocols. The ski field is likely to be operational for many more years, despite potential climate change effects. Any concession, if granted, will include provisions to remove facilities and remediate the land should the ski field cease to operate. See also section 6.1.16.3 in this Report for discussion on climate change.

The Applicant has an easement for a water intake structure from Lake Alta for snowmaking<sup>35</sup>.

*3.25.3 Process all applications for renewals of existing authorisations for ski fields as concessions.*

This is not a renewal of an existing ski field authorisation, rather approval for new works under Part 3B of the Conservation Act 1987.

*3.25.4 Where practicable, encourage non-skier and/or non-ski season visitor use, and visitor use beyond the ski field consistent with the outcomes at Place.*

Not relevant to the proposal.

*3.25.5 Should provide opportunities for conservation education and interpretation.*

Applicant provides opportunities under current concessions at this location and this will apply to this proposal.

*3.25.6 Should allow over-snow vehicle use for the purpose of ski field management within ski field lease/licence areas subject to the provisions of the lease/licence and in accordance with Policy 3.2.12.*

Over-snow vehicles are used for the purpose of ski field management within the existing Remarkables ski area lease/licence authorisations, and this vehicle use will apply to this proposal.

Refer to bullet-point in section 7.1 in this Report (Concession Activity) *“Use of vehicles to carry out establishment and operational activities;”*

*Recommendation Report (Issue 5) Otago Conservation Management Strategy 2016*

Forest & Bird (Objection 17)

*3.4 The Otago Conservation Management Strategy 2016 (CMS) allows further development of existing authorised ski fields, where their natural values are already modified. This application proposes realignment/extension into unmodified areas.*

Forest & Bird included its own analysis of the CMS and policies, under item 23 in their objection.

FMC (Objection 20)

*23. The Application does not make any attempt to analyse the application against the recreation-related aspects mentioned in the CMS section on Western Lakes and Mountains/Ngā Puna Wai Karikari a Rākaihautū Place outcomes. FMC’s review of that part of the CMS found at least 10 relevant references to recreation, perhaps most notably one describing the Remarkables as having “outstanding” recreational values.<sup>6</sup> Yet the best the Application has to*

<sup>35</sup> Concession Number 49957-SKI.

*offer is that “The proposal will not affect access to the Rastus Burn Conservation Area” – which this submission demonstrates is materially inaccurate, and which treatment would only appear to prevent walls being constructed around entire conservation areas.*<sup>7</sup> (Footnote See page 31 of the Application)

Ross Copeland (Submission 12 in support)

*- The proposed activity, works and structures could not be undertaken elsewhere and are not inconsistent with any matters for consideration set out in Section 17 of the Conservation Act, and are consistent with the Otago CMS which states a preference for development of existing ski fields over development of new ski areas.*

Ross Copeland included comments on the Otago CMS including policies headed “*Otago CMS reflections with regard to the Proposal*” on pages 5-7 of the document attached to his submission<sup>36</sup>.

*Recommendation Report (Issue 12) Land Status Review*

FMC (Objection 20)

*10. ...The proposed reclassification of the Kawarau/Remarkables Conservation Area is significant context in this regard.*

Queenstown Climbing Club (OCC) (Objection 21)

*4. We have significant concerns with regard to NZSki’s current proposal. QCC does not support NZSki’s proposal for the following reasons:*

*• The proposal is pre-emptive to.*

- (i) The reclassification of the Kawarau / Remarkables Conservation Area reclassification*
- (ii) ...*

*THE KAWARAU / REMARKABLES CONSERVATION AREA RECLASSIFICATION PROCESS*

*5. DOC is currently reviewing the classification of the Kawarau / Remarkables Conservation Area. This reclassification process aims to better ‘recognise and protect conservation and cultural values on the Kawarau / Remarkables Conservation Area’. The DOC driven process recently received submissions on key questions about the future of the Remarkables. The SASZ forms part of the Rastus Burn Recreation Reserve which is in the larger Kawarau / Remarkables Conservation Area. The much larger Kawarau / Remarkables Conservation Area is currently classified as Stewardship land. However, it is very likely the area will be up-classified. The OCC submitted that the area should become a National Park. We consider the Kawarau / Remarkables Conservation Area is an area of extremely high scenic, natural, remote and recreational value.*

*6. QCC considers the DOC reclassification a significant piece of work which represents public interest in our nations valuable land assets. We regard this process should be completed prior to*

<sup>36</sup> [DOC-7285240](#)

*the consideration of any further development within the Kawarau / Remarkables Conservation Area, regardless of whether it is in a SASZ or not.*

#### UphighNZ (Objection 23)

*- Kawarau / The Remarkables Reclassification process started in 2020 and because of this important process taking place next to the proposed chairlift there should not be any proposals accepted (such as this one) which would affect (environmentally, visually etc.) the future National Park or Conservation Park. It is worth asking: what impact would the presence of a growing commercial business such as NZSki on the doorstep have on the Kawarau Remarkables chance of being reclassified as a national park?*

#### Applicant right of reply (from Appendix 3) on objections and submissions received in relation to Land Status Review

*Regulatory issues – points of clarification or correction*

##### **1. Remarkables Conservation Area (QCC comments)**

- ***The reclassification process underway applies to stewardship land, not the recreation reserve within which the ski area operates.***

Discussion: The Rastus Burn Recreation Reserve, being the land where the proposal is to be established, is classified as a Recreation Reserve pursuant to section 17 of the Reserves Act 1977. No decisions have been made on the reclassification process however, it is recommended that the Minister should consider under statutory analysis in any decision report, provisions contained in the Otago CMS to the extent of applying a precautionary approach to the proposal in accordance with policy 3.25.2<sup>37</sup> and, may consider the intent of policy 2.3.1<sup>38</sup> at Place and, “The milestones – outputs” (extracted<sup>39</sup>) on page 73-74 of the Otago CMS.

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<sup>37</sup> From the Otago CMS:

3.25.2 *Should in considering the development of new and existing authorised ski fields apply a precautionary approach to the approval of new structures, accommodation facilities and terrain modification and consider both the likely effects of water use (for snow-making), the likely longevity of the field in the face of climate change, and any appropriate land remediation and facility removal costs should the ski field cease to operate.*

<sup>38</sup> From the Otago CMS:

2.3.1 *Once tenure reviews have been substantially completed, undertake a review of existing status of public conservation lands and waters within this Place in accordance with the Conservation Act 1987, Reserves Act 1977 and National Parks Act 1980 to better reflect their values.*

<sup>39</sup> *Achieved by the end of Year 5 after CMS approval (2021)*

*... ● Commence an investigation to reclassify public conservation lands and waters in The Remarkables and surrounding public conservation lands and waters to better reflect their value...*

*Achieved by the end of Year 10 after CMS approval (2026)*

*... ● Progress the reclassification of public conservation lands and waters in The Remarkables and surrounding public conservation lands and waters...*

Within the various provisions of Parts One, Two and Three, the three key statutory matters are:

- the Western Lakes and Mountains Place Outcome statements that relate to the increase to the existing modification of the Rastus Burn Recreation Reserve ridgeline; and applying the required precautionary approach to the approval of new structures and associated earthworks.
- Policy 3.25.1 *May allow further development of existing authorised ski fields, where their natural values are already modified, in preference to the development of new ski fields.*
- Policy 3.25.2 requiring a precautionary approach to the approval of new structures and terrain modification on ski fields.

With respect to these matters:

- the proposal would unavoidably increase the extent of the existing encroachment within the Rastus Burn Recreation Reserve.
- despite this, the proposal demonstrates a precautionary approach as it is the replacement, upgrade and relocation of the Shadow Basin chairlift (which requires replacement), and will be carried out using construction methods suited to an alpine environment and restoration protocols.
- the proposal is a further development of an existing ski field where, its natural values are already highly modified.

In summary, with reference to the sections of the Otago CMS above, when applying the relevant policies and subject to conditions (if a concession is granted), it is considered that the decision maker should be satisfied that, in conjunction with the analysis and assessment provided by the applicant, and contributions from Departmental staff with significant experience in the establishment and operation of ski fields at this location, that the proposed activity, as applied for, is consistent with the Otago CMS. It is also considered that any effects of the proposal will be avoided, remedied or mitigated by proposed conditions.

## 7. Proposed Operating Conditions

### Conditions

Standard conditions applicable to the proposed activity:

The concession template document (for reference purposes only) is recorded as [DOC-7398803](#)

The concession is broken into distinct parts.

1. The first portion of the concession document sets out the operative parts of the lease and licence and easement document; includes the names of the parties; contains their signatures; and provides the background.
2. The second part of the concession contains Schedule 1. Schedule 1 sets out many of the key terms used elsewhere in the concession.
3. Schedule 2 contains the standard conditions applied to most concessions.
4. Schedule 3 would contain the special conditions that have been prepared specifically for this application. The draft special conditions recommended by this report are set out in Appendix 1 below.
5. Subsequent schedules contain maps or plans depicting the concession area(s), bond agreement, and in the case of the easement document; rights and powers implied in easements.

This portion of the Report considers the content of Schedule 1 of the proposed concession(s) and makes recommendations as to the drafting of some of the key terms.

#### 7.1 Concession Activity:

In light of the findings of this Report, it is considered appropriate to issue one concession for the three co-dependent concession activities comprising the following elements:

“Concession Activity” in respect of:

The establishment and operation of the Shadow Basin passenger lift system, related ski trail development, access road changes and alteration to stream bed within the Rastus Burn Recreation Reserve, in accordance with the plans and diagrams in Schedule 4<sup>40</sup> comprising:

1. Installation, repair and maintenance of a bottom station (approximately 6.921m high above finished ground level, canopy 9.890m wide x 21.990m long; footprint of 217.48m<sup>2</sup>);
2. Installation, repair and maintenance of a bottom station chair storage building (approximately 6m wide x 25m long; footprint of 150m<sup>2</sup>);
3. Installation, repair and maintenance of a top station (approximately 6.921m high above finished ground level, canopy 9.890m wide x 31m long; footprint of 275.59m<sup>2</sup>);
4. Installation, repair and maintenance of a top station integrated lift operator building (approximately 3.704m high above finished ground level, 8.09m wide x 6.09m long; footprint 49.2681m<sup>2</sup>);
5. Formation of new ski trails “Calypso Trail and Cushion Trail” in accordance with the plans in Schedule 4;
6. Installation and maintenance of utilities and services – water, air (airburst system) electricity, telecommunications and computer media cabling, transformers;
7. Installation and maintenance of ancillary equipment - snow making and pumping equipment (wands/snow guns), towers (11 in total ranging in height from 5.7m to 15.54m), lift cables, ski lift chairs;
8. Decommissioning and removal of the existing passenger lift system (known as Shadow Basin chairlift);
9. Maintaining or modifying the skiable terrain;
10. Carrying out avalanche prevention;
11. Operation of snow making and snow grooming machines;

<sup>40</sup> Plans and diagrams in Appendix 2 & 3.

12. Manage, operate, maintain and repair the structures and facilities listed in this Concession; and
13. Helicopter operations for activities associated with the establishment and ongoing operation of this Concession to support health and safety work, search and rescue activities, avalanche management and to respond to medical emergencies.

Lease Land

As shown on the plan in Schedule 4, being the footprint of structures and facilities:

14. Bottom station (approximately 6.921m high above finished ground level, canopy 9.890m wide x 21.990m long – footprint of 217.48m<sup>2</sup> or 0.021748 hectares);
15. Bottom station chair storage building (approximately 6m wide x 25m long - footprint of 150m<sup>2</sup> or 0.015 hectares);
16. Top station (approximately 6.921m high above finished ground level, canopy 9.890m wide x 31m long - footprint of 275.59m<sup>2</sup> or 0.27559 hectares);
17. Top station integrated lift operator building (approximately 3.704m high above finished ground level, 8.09m wide x 6.09m long - footprint 49.2681m<sup>2</sup> or 0.0049268 hectares);

Licence Land

As shown on the plan in Schedule 4 and table below, being the ski area comprising:

18. Two new trails/skiable terrain (slopes) itemised in the table below over approximately 34,975.142m<sup>2</sup> or 3.4975 hectares

Trail name	Length	Maximum width
Calypso Trail	365 metres	up to 30 metres
Cushion Trail	183 metres	up to 15 metres

19. Road access changes (15,900m<sup>2</sup> or 1.59 hectares)
20. Alteration of a stream bed (80 m<sup>2</sup> or 0.008 hectares)

Easement Land

21. In respect of the Easement Land, use the Easement Land and the existing easement structures and facilities located on or in the Easement Land for purposes connected with:
  - a. conveyance of water;
  - b. conveyance of electricity;
  - c. conveyance of telecommunications and computer media;
  - d. conveyance of gas (compressed air);
  - e. the passing and repassing with ski-lift cables, associated ski-lift chairs and towers.

Associated with:

- 22. utilities and services (above and under the ground infrastructure) for water, air (airburst system) electricity, telecommunications and computer media (approximately 1,300m<sup>2</sup> or 0.13 hectares);
- 23. ancillary equipment (above and under the ground infrastructure) such as snow making and pumping equipment (wands/snow guns), towers, lift cables, ski lift chairs (approximately 11,252.192m<sup>2</sup> or 1.125 hectares).
- 24. Use vehicles where that use is necessary and directly connected with the activities listed in 1 to 23 above.

- and as more specifically set out in Schedule 3<sup>41</sup>.

## 7.2 Special conditions relevant to this application:

See Appendix 1.

### Monitoring

Extensive monitoring will be carried out by both an independent monitor appointed by the Applicant, and Department of Conservation staff. Refer to proposed special conditions 1(f), 4, 5(c), 25, 61-62 and clause 7 (Schedule 3A protocols) in Appendix 1 in this Report.

## 7.3 Term

### 17Z Term of concession

- “(1) A lease or a licence may be granted for a term (which term shall include all renewals of the lease or licence) not exceeding 30 years or, where the Minister is satisfied that there are exceptional circumstances, for a term not exceeding 60 years.
- (2) A permit may be granted for a term not exceeding 10 years but shall not be renewable.
- (3) An easement may be granted for a term not exceeding 30 years, but—
- (a) in exceptional circumstances, the Minister may grant a term not exceeding 60 years;
  - (b) where the easement provides a right of way access to a property to which there is no other practical access, the term may be for such longer period as the Minister considers appropriate;
  - (c) where the easement is for a public work (as defined in the [Public Works Act 1981](#)), the term may be for the reasonably foreseeable duration of that public work.”

Term: The Applicant stated on application Form 3c, B. Term that:

### “Section 17Z

*This section of the Act specifies the timeframes for which approvals under the Conservation Act may be granted.*

*With respect to Concession and associated lease, licences and easements it is specified that these may be granted for a term not exceeding 30 years, but in exceptional circumstances, the Minister may grant a term not exceeding 60 years. Given that the existing Shadow Basin passenger lift system has been in place for approximately 35 years it is considered appropriate to apply a term of 40 years for this proposal.*

<sup>41</sup> Appendix 1

*This will provide certainty that the Concession will exist for the anticipated lifetime of the passenger lift system, with some flexibility in case of expanded duration of the longevity over and above that of the existing system.*

*The overall duration of the Concession will also be appropriate given the expense of the infrastructure and associated works which will be in the millions of dollars.”*

Note: In an email dated 5 July 2023<sup>42</sup>, Paul Anderson, NZSki Limited CEO, amended the term from 40 years to 30 years advising that:

*“For Shadow Basin, as discussed we are comfortable to reduce this term to 30 years if this simplifies the application. It’s a single piece of infrastructure so 30 years is sufficient however we would maintain a request for 40 years for the full 3B concession<sup>43</sup>.”*

#### *Recommendation Report (Issue 13) Term*

Several objectors commented that 40 years was too long and that exceptional circumstances had not been met.

Now that the Applicant has amended the term sought from 40 years to 30 years, it is considered appropriate to grant a term of 30 years pursuant to section 17Z(1) and section 17Z(3).

It is also recommended that the wording in Item 3 (Term) and Item 5 (Final Expiry Date) of Schedule 1 of any concession (if approved) be as shown in *italics* below:

#### Item 3 of Schedule 1 (Term)

*[x] years [y] months commencing on [day month year] and ending on the Final Expiry Date.*

#### Item 5 of Schedule 1 (Final Expiry Date)

*The earlier of [day month year] or the expiry or termination or other determination of concession number 96118-SKI (should that be granted).*

#### 7.4 Fees

Items redacted from publicly released copy of this Report:

- 7.4.1 Processing Fees
- 7.4.2 Concession Activity Fee
- 7.4.3 Environmental Premium Fee
- 7.4.4 Concession Management Fee
- 7.4.5 Bond
- 7.4.6 Environmental Monitoring Contribution Fee
- 7.4.7 Ecological Compensation

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<sup>42</sup> [DOC-7409584](#)

<sup>43</sup> 96118-SKI

## 8. Applicant Comments

### Comments received from Applicant

The Applicant was sent draft copies (of this Report and concession document) on 24 August 2023 and provided the following comments excerpted below (the full email response is recorded as [DOC-7433577](#)):

*“We have reviewed the DSD and draft concession you provided on 24 August 2023 and we can confirm that we will be able to comply with the conditions you have outlined to perform the concession activities outlined in clause 2 of schedule 1. In the interests of time, we have no amendments to your documents.*

*We note that there is a heavy monitoring and reporting requirement included in the draft concession document that will require DOC to commit resource to (eg. Schedule 3 clause 3). Could you please ensure that DOC allocates a suitable representative to ensure that DOC decision-making is not unreasonably delayed. It is critical for the construction programme that the DOC representative is available within 24 hours for site visits or where written approval is required. We also like to invite this DOC representative to attend the weekly monitoring meeting required by Schedule 3, Clause 25(a) to ensure transparency and ongoing dialogue.*

*Finally, we require an affected party approval for the QLDC consents required for this project. Ross will send those through today. Could we please have the final concession documents and the signed affected party approval back to us before 1 September 2023?”*

### Discussion

Paragraph 2: this will be responded to under separate cover by the Whakatipu-wai-Māori Operations Manager in conjunction with District Office staff.

Paragraph 3: this will be managed by DOC’s RMA team and Whakatipu-wai-Māori Operations Manager in conjunction with District Office staff.

## 9. Decision Making

### Recommendations

As highlighted in this Report, it is recommended that consideration of any perceived incompleteness, insufficiency or inadequacy of the application be part of the Decision Maker's consideration of the entire contents of this Report, as the Decision Maker would need to be satisfied that the provisions of Part 3B of the Conservation Act 1987 have been met.

#### Section 17U(2)(b) - section 6.1.16.6 in this Report

It is considered that there are no adequate methods or no reasonable methods for fully remedying, avoiding, or mitigating the permanent adverse effects of establishing a new passenger lift system that requires significant earth disturbance (cut and fill) for the formation of trails.

However, the provision in section 17U(2) also states that the Minister may decline any application. With regard to this discretion, the effects of the Remarkables ski area within the Rastus Burn Recreation Reserve have been long established, as it has provided public recreation, benefit and enjoyment since circa 1985, and the effects of a ski field operating at this location are well known and understood by the Applicant and the Department of Conservation. While the proposal will result in permanent modification to the landscape, it is recognised, due to the nature of a ski area at this location, that ongoing improvements and modifications consistent with the operation of a ski area will result, as reflected in this Report and the relevant parts of the Otago CMS (section 6.5.2 in this Report). Whilst the permanent impact of the proposal on conservation lands and waters cannot be fully remedied, avoided, or mitigated, the proposal can be managed by conditions (based on similar proposals carried out by the Applicant at this location), in particular, the proposed establishment special conditions (including restoration/rehabilitation of the land) referred to in Appendix 1 in this Report.

It is considered that the proposed activity is not inconsistent with the relevant Reserves Act 1977 (s.3(2)), is not contrary to the purpose for which the land is held nor with other provisions of the Conservation Act 1987 (s.17U3) and is consistent with the Conservation General Policy (CGP) and Otago CMS (s.17W(1)).

In conclusion, any effects of the proposal on conservation values such as biodiversity, historic, social and amenity values are well understood due to the historic nature of the Applicant's activities at this location.

The Decision Maker should be satisfied that the provisions of Part 3B of the Conservation Act 1987 have been met, and grant a concession under section 17Q.

Decision: Notified Concession under Part 3B of the Conservation Act 1987

1. Deem this application to be complete in terms of s17S of the Conservation Act 1987:

Agree / ~~Disagree~~

2. Note that the application was publicly notified:

Noted (underline or circle)

3. Agree that a bond pursuant to section 17X(e) is not required:

Agree / ~~Disagree~~

4. Approve the granting of a Concession (Lease and Licence and Easement) to NZSki Limited subject to the standard concession contract and the special conditions listed below:

Approve / ~~Decline~~

Special conditions to be included: Special conditions in Appendix 1.



Signed by Aaron Fleming, Director Operations,  
Southern South Island Region  
Pursuant to the delegation dated 9 September 2015 / 7 July 2019

30 August 2023  
Date

Decision Maker comments

As part of my deliberation for this application, in April 2023 I did a site visit hosted by NZ Ski. This was prior to the winter snowfall. I have also taken into consideration views of submitters to the application.

My decision is to approve this application. In doing so I make the following points:

- For the purposes of section 3 of the Reserves Act 1977 and section 17U(3) of the Conservation Act 1987, there are no provisions of the Acts that would be breached by the granting of a concession in the form of a lease, licence and easement.
- I have reviewed and considered the hearing report and its recommendations.
- I have reviewed the landscape assessment report and agree with the summary that landscape effects will be low to low-med, and that the proposed activity is consistent with the purpose for which the land is held, and are consistent modifications for being a ski area. I am also satisfied from the additional information provided by the

applicant that the infrastructure will not be visible from Lake Alta. These effects are also further mitigated by the conditions in the concession, such as lighting and colours.

- I support the conditions set to manage the impact on wildlife, such as lizards and invertebrates (including Peripatus/ngaokeoke). I note that previous reports provide little evidence of wildlife at this elevation/altitude, but the proposed conditions provide guidance in the scenario wildlife is encountered during construction.
- I support the other conditions proposed, including the temporary public access changes in order to manage health and safety.
- Term – in acknowledging that the head lease Part 3B application is currently being assessed by the Department, I approve the following term for this concession.
  - a. 30 years or
  - b. the expiry or termination or other determination of the Part 3B (should that be approved).  
The Final Expiry Date being the earlier of the 30 years or the expiry of the Part 3B.

## APPENDIX 1

### GENERAL SPECIAL CONDITIONS

#### ESTABLISHMENT OF THE REPLACEMENT SHADOW BASIN PASSENGER LIFT SYSTEM; CONSTRUCTION OF TRAILS (2); CHANGING ROAD ACCESS; ALTERATION OF A STREAM BED, AT RASTUS BURN RECREATION RESERVE

Prior to establishment of the Concession Activity

1. Prior to establishment of the Concession Activity, the Concessionaire, at its cost, must:
  - (a) Enlist the services of an ecologist/botanist approved by the Grantor to survey and identify all individual *Aciphylla lecomtei*, *A. simplex*, *Anisotome lanuginosa* and *Brachyscome montana* plants within the Concession Activity area as shown on the schematic plans in Schedule 4<sup>44</sup>; and
  - (b) Enlist the services of an ecologist/ornithologist approved by the Grantor to survey and identify any nesting pipit or kea within the Concession Activity area as shown on the schematic plans in Schedule 4; and
  - (c) Mark on the ground the approximate final outline of cut and fill areas identified by two different coloured fluorescent marker pegs (red for cut, green for fill) for the Grantor's inspection. For clarification purposes, the maximum width of each trail is to be in accordance with the table below; and

Trail name	Length	Maximum width
Calypso Trail	365 metres	up to 30 metres
Cushion Trail	183 metres	up to 15 metres

- (d) Mark on the ground with marker pegs construction access routes; and
  - (e) Mark on the ground with pegs an outline of the bottom station and chair storage building and top station and integrated lift operator building, and lift towers for the Grantor's inspection; and
  - (f) Confirm the name of the independent monitor with the Grantor.

#### Independent monitor appointment

2. The appointment of the independent monitor in clause 1(f) of this Schedule will be agreed between the Grantor and Concessionaire. In the event that agreement cannot be reached, clause 23 in Schedule 2 "*How will disputes be resolved?*" will be followed.

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<sup>44</sup> Appendix 1

### Commencement of work

3. Establishment of the Concession Activity as described in clause 1 in this Schedule must not proceed until the Grantor:
  - (a) Has received a copy of the reports in clauses 1(a) to 1(b) in this Schedule, and confirms in writing that any recommendations have been implemented satisfactorily; and
  - (b) Has carried out, or is carried out by the Grantor's representative, a site inspection of the Concession Activity as described in clauses 1(c) to 1(e) in this Schedule; and
  - (c) Has confirmed the independent monitor named and agreed to in clause 1(f) and clause 2 in this Schedule is acceptable to the Grantor; and
  - (d) Has confirmed the timeline for the commencement and completion of the Concession Activity establishment works is satisfactory; and
  - (e) Has given written approval (email notification acceptable) to the Concessionaire that works to establish the Concession Activity may commence.

### Establishment of the Concession Activity

#### Invertebrates (Peripatus/ngaokeoke)

4. The Concessionaire must ensure that at each lift tower site a pre-works invertebrate survey is carried out by an ecologist/entomologist approved by the Grantor, noting the presence of any invertebrate (including Peripatus/ngaokeoke). Should any invertebrates be present within an area of disturbance, collect the live animals (if possible) and move them no less than 100 metres away to an equivalent habitat. This is particularly important for the immobile or slow moving and flightless invertebrates (e.g. Peripatus/ngaokeoke).

#### Lizards

5. The Concessionaire must ensure that if a lizard is seen or found (alive or dead), then the Department of Conservation is to be contacted to provide guidance on the next steps, including whether a Wildlife Act Authority is required.

#### Construction timeframes

6. The following construction timeframes must be complied with:
  - (a) Prior to the commencement of each stage of development, the Concessionaire must submit a plan of works to the Grantor and the independent monitor. The plan of works is to include a timeline of works to be undertaken during that stage, the machinery to be used and the expected monitoring requirements.
  - (b) A briefing must be provided by the independent monitor to contractors and the Concessionaire's staff prior to each key construction stage.
  - (c) All development and rehabilitation works impacting the natural environment must be completed by May 1<sup>st</sup> each year. Any unfinished work must be stabilised to prevent soil erosion until works can recommence.
  - (d) Should the Concessionaire desire construction be staged over two or more years the project plan is to account for remediation measures for unfinished works that may become redundant due to changing circumstances.

#### Construction guidelines

7. The Concessionaire must ensure that all establishment work is in accordance with the:
  - (a) *“Doppelmayr Lift NZ Ltd Construction Method Statement”*;
  - (b) Southern Land Development Consultants plans shown in Schedule 4, included in the Concessionaire’s application;
  - (c) Stantec Report for Geotech and Stormwater Specifications and Design referred to on Southern Land Development Consultants plans shown in Schedule 4, included in the Concessionaire’s application;
  - (d) Plans of Passenger Lift System and Associated Buildings shown in Schedule 4, included in the Concessionaire’s application.

#### Top station installation

8. The Grantor must ensure that the top station is not visible from within the Lake Alta cirque area as shown in the graphic below (supplied by the Concessionaire) that shows shaded areas where the top station cannot be seen and areas where the top station can be seen (lighter shading). Lake Alta is shown in the centre of the graphic surrounded by dark shading.
9. In accordance with clause 8 in this Schedule, if the top station is visible from the Lake Alta cirque area (as determined solely by the Grantor), the Grantor will demand immediate removal of the top station.



#### Contractor selection

10. The Concessionaire must ensure that only contractors with a demonstrated ability in alpine earthworks and native vegetation restoration are used to carry out works.

### Hours of work

11. Establishment work must only take place between 7am to 6pm Monday to Friday, and 7am to 5pm on Saturday. If work is required on Sunday between the hours of 7am to 5pm, the Concessionaire must seek prior approval from the Grantor (email acceptable) no later 5pm Thursday, on a weekly basis.

### Public access and safety

12. The Concessionaire must comply with the following conditions:
  - (a) The Concessionaire must keep road closures to a minimum and ensure the public is able to pass freely and safely through the Licence Land and Easement Land (including the parking of vehicles in the upper carpark areas), whenever reasonably possible, except that:
    - (i) Public access may be restricted temporarily to the extent necessary to avoid harm to the public, but only with prior written agreement of the Grantor. Suitable temporary alternative access (such as to enable foot access to the West Face and summit ridges of the Remarkables and the 'Queens Drive' from the top of the Shadow Basin) is to be provided and marked. Any restrictions on public access are to be publicly notified by the Concessionaire at its expense;
    - (ii) The Concessionaire is to install signage for the duration of the works, at its expense, advising the public as to the nature of the work.

### Vehicle and machinery access

13. The Concessionaire must ensure that:
  - (a) Excavator access route is in accordance with existing and new trails as shown on the schematic plans in Schedule 4.
  - (b) All machinery enters and exits work sites from existing roads or on existing and new trails, whichever is closer.
  - (c) Machinery does not disturb terrain, other than as authorised in this Concession.
  - (d) Platforms are placed over the cushion field vegetation along access routes to help minimise the damage to fragile vegetation.

### Weed and pest mitigation

14. The Concessionaire must ensure that:
  - (a) Machinery and equipment entering the Land is cleaned and checked for soil that could contain seeds or exotic plants, and take all practicable steps to avoid the introduction of exotic seeds or plants; and
  - (b) No imported soil is brought onto the Land. Where the Concessionaire plans to deposit soil over the surface of the newly contoured slopes or batters, this soil must be from the Concession Activity work area; and
  - (c) No soil is moved upslope from lower areas (to prevent the further spread of weeds).
  - (d) Any exotic plant species which are introduced through the course of the works are controlled/removed.

### Wetland protection

15. The Concessionaire must comply with the following conditions:
  - (a) All wetlands are to be avoided.
  - (b) When working or using accessways above any wetland, any runoff is to be contained to avoid the risk of sedimentation.

### Control of surface runoff and silt

16. Suitable drainage, cut-outs and silt traps are to be installed to control new surface flows into lower areas of vegetation, wetlands and watercourses.
17. Where areas of surface or sub-surface drainage are unable to be avoided, suitable provision for maintaining their flow and quality is to be installed eg. coarse rock, geocloth, piping, silt traps.

### Watercourse

18. No alteration to the existing path, flow or direction of any watercourses is to occur without the consent of the Grantor. For the avoidance of doubt, this does not include alteration of the stream bed referred to in the *e3 Scientific Lower Shadow Basin Lift Station Freshwater Assessment* included in the Concessionaire's application.

### Vegetation protection during establishment

#### *Aciphylla lecomtei*

19. Where it is not possible to avoid *Aciphylla lecomtei*, the Concessionaire, at its cost, must remove each plant individually, and prepare it for re-planting. Once work is completed removed plants must be re-planted and plantings maintained until re-establishment.

#### *Aciphylla simplex*

20. The rocky upper section of the Calypso and Cushion extension trails, chairlift tower sites and adjacent areas are to be surveyed for *Aciphylla simplex*. All plants are to have their location marked and counted. Best endeavours are to be employed to avoid *Aciphylla simplex* plants. Information on the number of plants found and the number proposed to be destroyed is to be provided to the Grantor before any disturbance to plants occurs.

#### *Anisotome lanuginosa*

21. Where it is not possible to avoid *Anisotome lanuginosa*, the Concessionaire, at its cost, must either:
  - (a) remove each plant individually and prepare for re-planting. Once work is completed removed plants must be re-planted and plantings maintained until re-establishment; or;
  - (b) The snow tussock grassland which contains the *Brachycome montana* species is to be uplifted, stored in a manner that is likely to ensure its survival and successful re-planting and reinstated as soon as possible after earthworks are complete.

- (c) Where the developed trails (Calypso and Cushion trails) pass through rock field, and revegetation is not possible, trails should be finished with coarse rock rather than smaller gravel sized material.

### Colours and lighting

- 22. The Concessionaire must ensure that:
  - (a) All buildings and structures (including roofs) must be made of non-reflective materials and painted using recessive colours;
  - (b) Lighting on the top station and snow making guns must be muted and where practical lighting is to be pointed down. No lighting is to be installed on the passenger lift system towers. Lighting must not be visible from the Lake Alta area or from the wider Wakatipu basin.

### Completion of establishment works

- 23. The Concessionaire must:
  - (a) Advise the Grantor when all work to establish the Concession Activity has been completed; and
  - (b) Within 3 months of completion of the facility provide the Grantor with:
    - (i) photographs of the Concession Activity on the Land, illustrating the final 'as-built' form and extent of the Concession Activity authorised by this Concession, and
    - (ii) final as-built scale plans of the Concession Activity, and
    - (iii) NZTM shapefiles or GPX files of the Concession Activity.

### Post establishment of the Concession Activity

- 24. After establishment of the Concession Activity, the Concessionaire must, at its cost:
  - (a) Establish photo monitoring points, in consultation with the Grantor, in order to track the progress of reinstated vegetation in clause 29 in this Schedule; and
  - (b) Ensure all areas of disturbed rock-fields are reinstated to reflect their natural appearance prior to construction, to the Grantor's satisfaction; and
  - (c) Enlist the services of an ecologist/botanist to prepare a report on all individual *Aciphylla lecomtei*, *Aciphylla simplex*, *Anisotome lanuginosa* and *Brachyscome montana*. one year after establishment of the Concession Activity to determine survival rates. Undertake further or alternative measures if required to achieve no net loss of *these plants* in the Reserve. The report must be provided to the Grantor.

### Monitoring

- 25. The Concessionaire must undertake the following monitoring:
  - (a) Monitoring of silt control, re-vegetation and all works is to occur by the independent monitor (as agreed by the Grantor and the Concessionaire in accordance with clause 2 in this Schedule) at a frequency of an average of one site visit per week for the duration of the works. All costs are to be at the expense of the Concessionaire. Reports are to be provided to both parties within three working days of the site visit.
  - (b) Monitoring of other works may be conducted by the Grantor. All costs are to be at the expense of the Concessionaire.

## Restoration work

### Re-vegetation protocol

26. All works must be in accordance with the “*Protocol for the rehabilitation of natural alpine environments following ski area development*” attached as Schedule 3A.
27. If there is a conflict between this Schedule and the protocol in Schedule 3A, this Schedule prevails.

### Removal and storage of vegetation

28. The Concessionaire must comply with the following conditions:
  - (a) Vegetation is to be stripped and stored locally as construction progresses. It must be stripped and stored with enough surrounding soil and humus and in a manner that is likely to result in successful replanting and long term survival.
  - (b) Stripping may be by machine or by hand, whichever will provide the best chance for success given the nature of the vegetation.
  - (c) Watering of vegetation material may be required, at the direction of the Grantor or its nominated independent monitor, to ensure its survival while stored.

### Re-vegetation

29. When re-vegetating disturbed areas, the Concessionaire must comply with the following conditions:
  - (a) Vegetation is to be replanted using locally sourced material, including that stripped and stored under clause 28(a) in this Schedule, as soon as possible following completion of works at individual sites such as individual tower sites or trenches. Follow-up maintenance of re-vegetated areas to enhance their chances of re-establishment must be undertaken prior to the end of the growing season;
  - (b) Where there is sufficient plant material and humus to allow survival, stripped material can be split. To supplement re-vegetation works split material may also be sourced from other areas in the Remarkables ski area, provided it does not result in additional adverse ecological effects on the source areas;
  - (c) The snow tussock grassland which contains the *Brachysome montana* species is to be uplifted, stored in a manner that is likely to ensure its survival and successful replanting and reinstated as soon as possible after earthworks are complete;
  - (d) Geotextile cloth is to be laid over any areas where there has been insufficient planting by May 1<sup>st</sup>. This is to be removed in the following spring and re-vegetation works continued;
  - (e) Plant spacing should be adequate to ensure revegetation of the site to a sufficient vegetation cover, with additional density detail as specified by the independent monitor on site;

- (f) To intensify re-vegetation of tussocks, nursery reared plants, sourced from appropriate seed, may be used where there is insufficient existing vegetation available for transplanting. The rearing and planting of any plants to be brought on site must be to the satisfaction of the Grantor;
- (g) The seed of appropriate species sourced from the Rastus Burn Recreation Reserve or similar location should be broadcast to promote vegetation growth in the rock areas, between transplanted/planted tussocks and to assist revegetation of fellfield areas.
- (h) Where there has been insufficient replanting by May 1<sup>st</sup>, any exposed topsoil must be managed to avoid erosion losses until replanting can be restarted in the following spring;
- (i) All disturbed areas that have existing vegetation cover are to be re-vegetated, including new chair lift tower sites, decommissioned Shadow Basin chairlift, new ski trails, ski trail batters and sites associated with the snow making infrastructure;
- (j) Clauses 29(a) to 29(i) in this Schedule requiring re-vegetation are complied with only once the Grantor has confirmed in writing that the relevant areas have been re-vegetated to the Grantor's satisfaction.

#### Decommissioning redundant Shadow Basin chairlift

*Decommissioning and removal of the redundant Shadow Basin chairlift (top and bottom stations, towers and associated infrastructure):*

that removal is in accordance with the following requirements:

- 30. The Concessionaire must ensure, wherever practicable, that removal is carried out by using purpose designed mats temporarily laid across the existing ground to spread the loading and prevent tyres/tracks damaging vegetation.
- 31. Rehabilitation of the land once the top and bottom stations, towers, tower concrete footings and other infrastructure is removed is to be in accordance with restoration clauses 26 to 29 in this Schedule, and making good is to be to a standard commensurate with the surrounding environment and to the satisfaction of the Grantor.
- 32. The Concessionaire must notify the Grantor when decommissioning and making good is completed, so that a final inspection can be carried out by the Grantor.

#### Remediation of works

33. Where the Grantor identifies any requirement for remediation following monitoring or inspection, the remediation is to be carried out as specified by the Grantor at the Concessionaire's cost.

#### Suspension of works

34. The Grantor, at its sole discretion, may require all works to be suspended until suitable remediation is completed.

#### Satisfactory completion of works

35. Confirmation that re-vegetation and any other remedial works (including the decommissioning of redundant Shadow Basin chairlift and associated infrastructure) has been completed satisfactorily is to be at the discretion of the Grantor.

#### GENERAL

##### Other consents, approvals and assessments

36. This Concession approval does not replace or supersede any other lawfully required consents, approvals and assessments from other agencies. This includes (but is not limited to) geotechnical, engineering, district and regional resource consents, district and regional plans, national environmental standards, and building consents. Copies of these approvals are to be provided to the Grantor prior to works commencing.

##### In respect to Ngāi Tahu

37. The Concessionaire is requested to consult the relevant Papatipu Rūnanga (as set out below) if it wishes to use Ngāi Tahu cultural information. If the Concessionaire wishes to use the Tōpuni or statutory acknowledgement information contained in schedules 14-108 of the Ngāi Tahu Claims Settlement Act 1998, or any interpretative material produced by the Department of Conservation in respect to Ngāi Tahu cultural information, the Concessionaire is requested to notify the relevant Papatipu Rūnanga, as a matter of courtesy.
38. The Concessionaire must, as far as practicable, attend any workshops held by the Department of Conservation for the purpose of providing information to Concessionaires, which includes Ngāi Tahu values associated with Tōpuni areas.
39. The Concessionaire must ensure its employees are requested to recognise and provide for Ngāi Tahu values in the conduct of their activities.

##### Interpretation Materials and Cultural Values

40. If the Concessionaire intends to undertake any written interpretation materials (panels, brochures etc) that include Māori/iwi values of the area, then this shall be done in partnership with Ngāi Tahu. The Concessionaire should contact the Papatipu Rūnanga (as set out below) and Te Rūnanga o Ngāi Tahu.

Office of Te Rūnanga o Ngāi Tahu  
PO Box 13 046

Christchurch 8141  
Phone: 0800 524 8248  
email: [info@ngaitahu.iwi.nz](mailto:info@ngaitahu.iwi.nz)

#### Accidental Discovery Protocol

41. The Concessionaire must take all reasonable care to avoid any archaeological values on the Land which includes (but is not limited to) historic sites and protected New Zealand objects on the Land. In the event that archaeological sites or other features with heritage values are found during any approved earth disturbance work on the Land:
- (a) Work must cease immediately until further notice and advice must be sought from the Grantor;
  - (b) If it is an archaeological site as defined by the Heritage New Zealand Pouhere Taonga Act 2014 then Heritage New Zealand must be contacted and its advice sought;
  - (c) If it is an archaeological site relating to Māori activity then the Papatipu Rūnanga must be contacted and their advice sought;
  - (d) If it is an artefact as defined by the Protected Objects Act 1975 then the Ministry for Culture and Heritage must be notified within 28 days;
  - (e) If it is human remains the New Zealand Police should also be notified;
  - (f) In the event of cessation of approved work because of discovery of potential historical artefact or archaeological site the Concessionaire must not recommence work until permitted to do so by the Grantor.

#### Works

42. The Concessionaire must provide an annual summer work programme to the Grantor for written approval (no later than 3 months following the end of the previous ski season). The Grantor may request plans, drawings, diagrams and/or specifications, scope of work and an assessment of its potential effects (and any other information required) for consideration for approval and the Grantor (at its entire discretion) may require changes to be made to any submitted material. The information to be provided is to include, but is not limited to:
- (a) any building or asset modifications requested by the Concessionaire;
  - (b) proposed terrain modification or other earth disturbance activities;
  - (c) appropriate restoration or preventative maintenance the Concessionaire may require;
  - (d) any works proposed as part of any development plan subject to concession conditions;
  - (e) any revegetation, remediation or reinstatement measures to be performed by the Concessionaire and required by the Grantor to the Land;
  - (f) expected commencement and completion dates of any such works.

## Operation of plant, machinery and equipment

43. The Concessionaire must operate all plant, machinery and equipment on the Land to required standards, codes of practice and legislative requirements. The Concessionaire shall at the Grantor's request, provide the Grantor with documentary evidence of compliance with the said requirements.
44. Plant, machinery and equipment used in conducting the Concession Activity must be maintained at all times to prevent leakage of oil and other contaminants onto the Land.

## Fuels, hazardous materials, chemicals and waste

45. Any waste or rubbish must be disposed of in an approved manner off the Land at a Council approved site. Waste held on the Land prior to its removal must be stored in a manner so as to ensure it does not become a contaminant or is not blown by wind or present a potential hazard to wildlife.
46. At the completion of any approved works programme, the Concessionaire must remove all construction related waste and fill from the Land and dispose at a resource recovery centre, Council landfill or other authorised facility.
47. The Concessionaire must ensure that all site personnel are trained in hazardous material, waste and fuel handling and spill contingency and emergency procedures.
48. The Concessionaire must ensure that all vehicles, machinery, and hazardous materials including paints, fuels and other chemicals are stored in a secure enclosed facility onsite, including the provision of any spill cleanup kits used to contain and/or absorb all hazardous substances used in the Concession Activity.
49. The Concessionaire must use clean fuels in preference to fossil fuels wherever possible.
50. In the event of any hazardous substance spill the Concessionaire must:
  - (a) Take all practicable measures to stop the flow of the substances and prevent further contamination onto the Land or water;
  - (b) Immediately contain, collect and remove the hazardous substances and any contaminated material, and dispose of all such material in an appropriate manner / authorised facility;
  - (c) Notify the Grantor as soon as practicable;
  - (d) Undertake any remedial action to restore any damage to the land; and
  - (e) Take all measures to prevent any reoccurrence.

## Freshwater pests

51. The Concessionaire must comply and ensure its clients comply with the Ministry for Primary Industry (MPI)'s "Check, Clean, Dry" cleaning methods to prevent the spread of didymo (*Didymosphenia geminata*) and other freshwater pests when moving between waterways. "Check, Clean, Dry" cleaning methods can be found at - <http://www.biosecurity.govt.nz/cleaning>. The Concessionaire must regularly check this website and update their precautions accordingly.

## Climate Change Considerations

52. The Concessionaire acknowledges that the Grantor and the Department of Conservation are reviewing their obligations under the Climate Change Response Act 2002 and developing responses to address greenhouse gas emissions from activities conducted on public conservation land and waters. The reviews are likely to result in policies which seek to measure, manage and reduce greenhouse gas emissions from Concession Activities. The Grantor wishes to signal to the Concessionaire that new concession conditions related to both climate change mitigation and adaptation may be imposed during the life of this Concession to address greenhouse gas emissions associated with the Concession Activity.
53. If the Grantor requests data relating to greenhouse gas emissions associated with the Concession Activity, the Concessionaire must provide any relevant data that is reasonably available to it within 6 months of the Grantor's request.
54. The Concessionaire will, at its expense and in consultation with the Grantor, procure a carbon emission assessment (the Carbon Emission Assessment) relating to greenhouse gas emissions associated with the Concession Activity within 1 year of the commencement<sup>45</sup> of this Concession.
55. The Carbon Emissions Assessment must, as a minimum:
- (a) be prepared by a person with relevant skills and experience and whose credentials have first been provided to the Grantor and approved by the Grantor;
  - (b) clearly identify the sources of greenhouse gas emissions associated with the Concession Activity and quantify the amounts from each source;
  - (c) recommend a comprehensive set of remedial actions to reduce greenhouse gas emissions associated with the Concession Activity; and
  - (d) quantify the anticipated greenhouse gas reductions associated with each remedial action and the timeframes over which those reductions would be experienced.
56. The Concessionaire will provide a copy of the Carbon Emission Assessment to the Grantor within 1 week of the final version being received by the Concessionaire. The Concessionaire will also provide annual updates on the Concessionaire's performance against the recommendations in the report and actions taken. These annual updates do not need to be performed by a qualified expert and are intended to provide interim data between the 3-yearly Carbon Emission Assessments required under clause 57 in this Schedule.
57. Further to clause 54 in this Schedule, the Concessionaire will, at its expense, procure follow-up Carbon Emission Assessments within 3 years of the commencement date of this Concession (and every 3 years thereafter). Those subsequent Carbon Emission Assessments will conform with the requirements of clause 55 in this Schedule as well as report on the extent to which the Concessionaire has implemented the recommendations contained in previous assessments.
58. The Grantor may review and amend the conditions of this Concession (Revised Conditions) to:
- (a) reflect climate change-related legislation and Government or Departmental policy; and/or

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<sup>45</sup> "Start Date" replaced with "commencement".

- (b) give effect to the recommendations contained in the Carbon Emission Assessments; and/or
  - (c) measure, manage and set targets for reducing greenhouse gas emissions associated with the Concession Activity which align with Government and/or Departmental policy.
59. Before amending the conditions of this Concession in accordance with clause 58 in this Schedule, the Grantor will provide the Concessionaire the draft Revised Conditions. The Concessionaire may provide written comments on those draft Revised Conditions within 60 days. The Grantor must take into account any comments received from the Concessionaire on the Revised Conditions before finalising the Revised Conditions.
60. The Revised Conditions will apply to the Concession Activity 4 months after the Grantor has notified the Concessionaire of the Revised Conditions in accordance with clause 59 in this Schedule or any later date specified in the Revised Conditions.

#### Monitoring and compliance

61. If the Grantor determines that the conditions of this Document or the effects of Concession Activity should be monitored, the Concessionaire shall meet: either the full costs of any monitoring programme that is implemented; or, if the Grantor determines that the costs should be apportioned among several Concessionaires who use the same locations, part of the costs of the monitoring programme. These costs will include the Department's standard charge-out rates for staff time and the mileage rates for vehicle use associated with the monitoring programme.
62. Where the Concessionaire has been required by the Grantor to provide documentary evidence of compliance the Concessionaire must provide such documentation to the Grantor within thirty (30) days of the date of any written notice requesting the documentation, or such timeframe mutually agreed between the Grantor and Concessionaire.

#### Signage

63. Clause 12.1 in Schedule 2 is amended to read:

*“12.1 The Concessionaire may erect or display any signs or advertising on the Lease Land and may erect or display any signs that relate to the safe and efficient operation of the activity on the Licence Land and Easement Land without the prior approval of the Grantor. At the expiry or termination of this Concession the Concessionaire must remove all signs and advertising material and make good any damage caused by the removal.”*

#### Public access, safety and education

64. The Concessionaire must clearly define, mark and control areas deemed unsafe for the public on the Land, and educate paying visitors about the danger of skiing or going outside these areas.
65. The Concessionaire must take reasonable care to manage any approved works, structures or landscaping on the Land to ensure that users of conservation land are not adversely impeded.

66. The Concessionaire must allow access to members of the public through the Land who are passing through the Land to conduct their own, not-for-profit recreational activities, but without guns and animals.

67. Clause 14.6(d) in Schedule 2 is replaced with the following:

*The Concessionaire must:*

- (a) *Report to the Grantor all accidents involving serious harm that are reportable to WorkSafe in accordance with the Concessionaire's health and safety plan and applicable legislation;*
- (b) *Provide the report within 3 days of providing a report to WorkSafe;*
- (c) *Provide to the Grantor at the Grantor's request any weekly or monthly reports generated by the Concessionaire and derived from the Concessionaire's accident reporting database.*

68. In order to comply with its obligations under the Health and Safety at Work Act 2015 to eliminate or minimise risks to health and safety so far as is reasonably practicable, the Concessionaire may, when undertaking activities such as slope safety, road safety, snow grooming and avalanche control work, control, limit or restrict public access to the specific area of the Land where the activity is to be carried out for a period not exceeding 2 days.

69. If the particular activity in clause 68 in this Schedule will require more than 2 days or if the Concessionaire considers an extension beyond the period of 2 days is necessary, the Concessionaire must advise the Grantor of the time sought and the reasons for it and comply with any directions the Grantor may give concerning the matter.

Other

70. The Concessionaire and its agents must take reasonable and proper care not to damage any property of the Grantor or other authorised Concessionaires. Should any damage occur which is attributable to the actions of the Concessionaire or its agents, the Concessionaire must promptly repair any such damage at its cost.

71. After any approved works have been completed, the Concessionaire must reinstate the Land in accordance with the protocols in Schedule 3A, and generally maintain the Land in a tidy condition to the satisfaction of the Grantor.

Review of Conditions

72. In addition to the express opportunities the Grantor has to review conditions elsewhere in this Concession, the Grantor may, on each Concession Fee Review Date, and after consulting with the Concessionaire, delete, vary or add any condition to more effectively manage the Concession Activity.

## LEASE SPECIFIC CONDITIONS

### Lease area

73. The lease area land under this Concession is as described in Item 1 of Schedule 1 and shown on the plans in Schedule 4.

### Structures and facilities

74. The Concessionaire must (at its cost) operate, maintain and repair buildings, equipment sheds, utility huts, lift infrastructure and other similar devices and apparatus on the Land to required standards, codes of practice and legislative requirements. The Concessionaire must at the Grantor's request, provide the Grantor with documentary evidence of compliance with the said requirements.

### Maintenance

75. The Concessionaire is authorised to perform the following maintenance work under this concession on the Land:
- (a) Ongoing interior maintenance and modification of any building;
  - (b) The exterior maintenance of any building, stationary plant item or structure on the Land where such maintenance does not alter the external appearance of that building or structure, and where consent from the Grantor is not otherwise required under this Concession.

## LICENCE SPECIFIC CONDITIONS

### Licence area

76. The licence area land under this Concession is as described in Item 1 of Schedule 1 and shown on the plans in Schedule 4.

### Main ski field area (skiable terrain)

77. The Concessionaire must (at its cost) operate and maintain the main ski field area (skiable terrain) on the Land to required standards, codes of practice and legislative requirements. The Concessionaire must at the Grantor's request, provide the Grantor with documentary evidence of compliance with the said requirements.

### Snow-making and grooming

78. The Concessionaire is permitted to use *e.g. Snomax*<sup>®</sup> for snow-making purposes and may undertake snow grooming activities, provided that this causes minimal adverse effects to natural values on the Land.

### Use of explosives

79. The Concessionaire may use explosives for the purposes of operational snow area safety management.
80. The Concessionaire may only use explosives for approved terrain modification activities on written approval from the Grantor, which may be subject to conditions.
81. The Concessionaire's safety plan must address risks associated with all explosives activities and include means to avoid, remedy or minimise adverse effects. The Concessionaire must ensure that explosive charges are placed so there is minimal potential for adverse effects to be caused to natural features and wildlife present on the Land.

### Weed and pest management

82. The Concessionaire must maintain all creeks, drains, ditches and water courses and keep them clean and clear of weeds and obstructions, while ensuring that fish passage (if relevant) is maintained.
83. To minimise the introduction of weed species, the Concessionaire must ensure that all machinery, tools and equipment used on the Land is cleaned and weed free prior to being brought onto the Land. Any gravel, other materials and construction material used for any approved works must be sourced from an approved weed free source.

### Terrain modification

84. All terrain modification is to be set out in the approved works programme in clause 42 in this Schedule. No other terrain modification works may occur.
85. The Concessionaire may perform the maintenance of any water table, culvert or other runoff water control device on the Land.

86. Any vegetation removal and soil disturbance necessary to undertake any approved terrain modification described in the approved works programme in clause 42 in this Schedule must be kept to a minimum.

## EASEMENT SPECIFIC CONDITIONS

### Easement facilities

87. The Concessionaire must (at its cost) operate, maintain and repair snow making and pumping equipment (wands/snow guns), towers, lift cables, ski lift chairs and utilities (water, electricity, telecommunications and computer media) on the Land to required standards, codes of practice and legislative requirements. The Concessionaire must at the Grantor's request, provide the Grantor with documentary evidence of compliance with the said requirements.

### General

88. The Right and Powers implied in easements under Schedule 5 of the Land Transfer Regulations 2018, apply as is relevant to the class of easement provided for in this Concession. Schedule 5 of the Regulations (excluding clause 13 and 14) is set out in Schedule 5 of this Concession and the clauses are varied as follows:
- (a) Clause 1 is amended by adding the words "in Schedule 4" after the words "on a plan" in paragraph (a) of the interpretation of "easement area"
  - (b) Clause 1 is amended by deleting the words "grantee and" from the interpretation of "grantee and grantor".
  - (c) Clauses 2(b) and 2(c) are deleted.
  - (d) Right to drain water (Clause 4) and Right to drain sewage (Clause 5) are deleted.
  - (e) Schedule 5 is amended by adding a new clause 1A: "Any reference to "grantee" in this Schedule is to be read as "Concessionaire" and includes Concessionaire's agents, employees, contractors, tenants, licenses and invitees."
  - (f) Clause 11(2) is deleted and clause 11(4) is amended by deleting the reference to (2).
  - (g) Clause 6(2)(b) is deleted.
  - (h) Clauses 13 and 14 are deleted.

## APPENDIX 1 (SCHEDULE 3A)

### PROTOCOL FOR THE REHABILITATION OF NATURAL ALPINE ENVIRONMENTS FOLLOWING SKI AREA DEVELOPMENT

Between

DEPARTMENT OF CONSERVATION and NZSKI LTD.

#### 1. Introduction

The protocol sets out practical means of achieving a high standard of environmental rehabilitation during and following development works at either Coronet Peak or The Remarkables Ski Areas. NZSki will require its staff and contractors to act in accordance with the protocol.

The scope includes any work that results in any environmental disturbance including (not not limited to) the indigenous vegetation, native fauna, soil, wetlands, streams, lakes and natural landforms of the ski area. Works may only be exempted from the protocol with prior agreement from DOC.

DOC staff will conduct regular monitoring to observe progress and assess effectiveness of the measures. This will include providing advice, troubleshooting unexpected problems, adjusting management approaches and, if necessary, require corrective action to ensure the objectives of the protocol are met.

#### 2. Objectives of the protocol

To ensure that during the course of ski area developments there is a minimum of interference with the natural environment, and avoidance of disturbance to areas outside approved work areas;

To ensure that any indigenous vegetation disturbed by development is restored as near as possible to its original density and diversity, within the shortest practical timeframe;

To minimise the erosion and sedimentation of exposed soils (and soil among transplanted vegetation), optimising the longer term regeneration of indigenous vegetation through natural dispersal;

To otherwise replicate a high standard of natural appearance to any ground not occupied by permanent structures or required to regularly bear mechanised traffic; and

To establish a clear understanding between the staff and contractors of both the Department of Conservation (DOC) and NZSki on the required standards for:

- Work site control measures;
- Removal and replacement of vegetation and top soil;
- Management of soil erosion and sediment control;

- Ongoing monitoring and maintenance of rehabilitated areas;
- Contracted monitoring; and
- DOC's ability to suspend works.

3. Work Site control measures:

- Only machinery operators with a demonstrated ability in low impact earthworks and vegetation rehabilitation in an alpine setting are to undertake construction;
- Prior to works NZSki shall ensure that a briefing occurs between its staff, contractors and DOC to ensure a common understanding of how works will be conducted;
- NZSki must minimise disturbing non target areas when accessing and working within development sites. If machinery is required to move off existing tracks the least damaging route must be used and any disturbed vegetation must be rehabilitated when works are completed;
- The risk of soil erosion over denuded areas must be carefully managed until rehabilitation works are undertaken and soil is no longer exposed;
- Works must be conducted to ensure no contaminants are discharged onto the land or into watercourses (directly or indirectly). All vehicles, machinery, equipment and aggregate material must be cleaned of weeds, seeds and soils before entering the works area. Refuelling must be undertaken on hard surfaces away from watercourses and vegetation.
- Sensitive natural features including streams, wetlands, tarns, lakes and rare habitats are not to be disturbed, either for development works or access to development sites. Where disturbance is unavoidable prior approval must be sought and additional environmental protection measures may be required;
- All development and rehabilitation works impacting the natural environment must be completed by the 1<sup>st</sup> May. Any unfinished work must be stabilised to prevent soil erosion until works can recommence.

4. Removal and replacement of vegetation and top soil:

- Vegetation must be carefully removed in a manner to minimise damage to both the above ground plant and to protect as much soil material around the roots as possible;
- The remaining topsoil must also be removed before excavation of rock material may commence. If not used quickly with the replanting of vegetation this topsoil may be stockpiled for later use;
- All vegetation removed should be quickly replanted into areas where works have already been completed. This will usually occur through progressive reinstatement on completed formations behind the main work "face";
- Priority for replanting shall be given to areas prone to erosion;

- e. Individual plants or clumps of vegetated material (“sod”) shall be reinstated by careful use of a digger bucket. Spacing should be no greater than 1 metre, unless directed otherwise by DOC.
- f. Final positioning of transplanted vegetation and sods should be conducted by hand tools, with top soil packed around each plant or sod to maximise survivorship and to achieve a result that closely resembles the surrounding natural areas;
- g. When transplanted plants and sods are insufficient to cover the disturbed area additional vegetation may be sourced through splitting indigenous vegetation from adjacent areas. This should only be done where there is sufficient plant and humic material to allow survival of both ‘parent’ and ‘split’ plants.
- h. Nursery reared plants (usually tussocks) may also be used to supplement transplanted vegetation and sods. Only locally sourced seeds may be used to grow plants for the ski area. Nursery reared plants are susceptible to rapid die off and browsing and must be handled carefully as follows:
- Fertiliser is to be placed in the root well prior to planting;
  - Plants must be well bedded to lessen risk of uprooting by feral animals; and
  - Plants may be treated with suitable chemicals to deter browsing by feral animals.
- i. Locally sourced seed of appropriate species may be broadcast to promote vegetation growth between transplanted vegetation and sods. Exotic seeds may be spread only with prior approval;
- j. Special care must be taken when replanting on steep slopes between 30 and 45 degrees:
- Plants should be transplanted quickly, steep slopes require plants to be in the healthiest possible condition;
  - Indented troughs or depressions should be formed to create “bedding” for the tussocks or sods to be transplanted. Replanting should not occur on sheer surfaces;
  - Replanting should be as close together as practical, leaving little exposed ground;
  - Large heavy plants and sods should be staked for support where possible;
  - Steep slopes should be closely monitored and any plants or sods released from the slope quickly retrieved, split into smaller, lighter clumps and replanted back into the slope as described above;
  - Consideration should be provided to planting small nursery reared plants where possible;
  - Attempts at replanting vegetation on slopes steeper than 45 degrees should only proceed with prior approval;
- k. The vegetation removed at one site may be used at another development site within the ski area only with prior approval;

- l. If no areas are available for a quick reinstatement, vegetation may be temporarily stored in designated areas with prior agreement;
    - All handling of vegetation for longer term storage must be done with great care to minimise cumulative damage to plants;
    - Vegetation may only be stockpiled up to one metre high to avoid die off resulting from smothering and crushing; and
    - All vegetation temporarily stored must be watered when protracted dry conditions may impact on survivorship.
  - m. If NZSki expects to have a surplus of vegetation and/or topsoil at the end of works, this must be replanted /spread over other areas of rehabilitation, under direction from DOC.
  - n. Any surplus rock material must not be stockpiled and/or spread over nearby terrain without prior approval.
  - o. NZSki will actively eradicate any noxious weeds from all development and rehabilitation areas; and
  - p. No rock landscaping may be used as a substitute for vegetation unless by prior agreement.
5. Management of soil erosion and sediment control
- a. The surface of vehicle tracks, formed ski trails and any other disturbed ground without a cover of indigenous vegetation will be managed to improve water infiltration, minimise rilling and sheet erosion, reduce suspension of sediment and provide micro sites for wind borne seed to settle. Control measures include;
    - shaping / crowning the surface;
    - applying an appropriate gravel surface in problem areas;
    - forming of earth, rock or vegetation bunds;
    - Ripping or roughening soils perpendicular to the slope angle; and
    - Constructing water tables/swale drains to intercept and divert surface flows.
  - b. Where the slope angle exceeds 30 degrees natural features such as rocks could be incorporated into the slope where this lends to the stability of the site; this would require prior approval from DOC and potentially the support of geotechnical experts. This solution would be considered on a site by site basis.
  - c. Water tables/swales must have a catchment area no greater than 2,000m<sup>2</sup>. Ski trails must have functioning swales no less than 60m apart. All water tables/swales must be clear of sediment and able to convey water.
  - d. Water tables and swales must lead to an appropriately designed and armoured settlement pond to capture sediment so only clear water disperses into the surrounding landscape.
    - These ponds must be large enough to 'settle' the flow and allow sediment to be deposited, particularly from heavy rainfall events. Precise

dimensions will depend on the area and erosion potential of catchment above, however, these may be graduated areas 1m wide x 2m long x 1m deep. They should be armoured with rocks or surrounded by soil mounds and tussocks or geotextile materials.

- Sediment captured by settlement ponds are to be redistributed to assist re-vegetation of disturbed areas, whether previous or planned earthworks e.g. used to fill gaps between transplanted tussocks or to improve the mineral soil content when planting nursery tussocks.
  - Settlement ponds must be maintained such that they provide a means of monitoring the effectiveness of control measures thereby assist adjusting management approaches to reduce the potential for recurrent erosion.
- e. To protect wetlands and wetland vegetation from sediment no surface water carrying sediment must be allowed to run into wetland areas. Settlement ponds must not exit onto wetland areas. Water tables and swales must be designed to maintain the hydrological integrity of adjacent seepages and wetlands.
- f. Areas requiring erosion control measures are to be prioritised based on the following criteria:
- Vulnerability to erosion (e.g. slopes > 20 degrees, unconsolidated soils, disturbed ground adjacent to compacted soils)
  - Saturated soils on cut faces where seepages have been intercepted,
  - Remediation of slips or slumped land and stabilisation of land to prevent further or repeated slope failures.
  - Settlement areas that require armouring or treatment in order to filter water,
  - Stabilisation works required to facilitate revegetation.
- g. Areas identified for erosion control and soil conservation work may vary from year to year as revegetation occurs and slope and soil stability is achieved. Areas prioritised for erosion control in the 2015 – 2016 works programme are outlined in Attachment A below.
- h. Significant developments will have a soil conservation and erosion control plan in place prior to the commencement of works. This plan will demonstrate how the objectives of this protocol will be achieved.
6. Ongoing monitoring and maintenance of the rehabilitated area
- a. The purpose of the monitoring is to assess the progress of rehabilitation and advise NZSki how to prevent or minimise risks to re-growth becoming self sustaining;
- b. All development and rehabilitation works will be monitored at least once prior to the commencement of work and again at completion of works. Interim monitoring may be required, depending on the nature of work. Following completion, regular monitoring will continue until DOC resolves, at its sole discretion, that the rehabilitation of the natural environment can progress unaided;

- c. Additional monitoring of erosion and sediment control measures will be made during or following significant periods of rainfall.
- d. Where monitoring establishes significant risks to rehabilitation, DOC will require NZSki to take any reasonable steps to rectify the situation and return the area to its desired condition. Any additional work required will be carried out at the cost of NZSki;
- e. In the event that an area is not rehabilitated following works, monitoring will continue until rehabilitation works have begun. Attention will be paid to preventing erosion during any lay period;
- f. DOC should reserve the right to recover the actual and reasonable costs of monitoring work.

7. Contracted monitoring:

DOC may contract monitoring to an external person/s. This approach not only provides time savings, but can also source specialist expertise on how to rehabilitate the sensitive alpine vegetation. This expertise is also vital to advise on appropriate remedial actions for any issues, and to provide expert input to planning processes. Contracted monitoring will take place as follows;

- a. The contractor is generally tasked to monitor the implementation of this protocol during any ski area development work that disturbs the natural environment;
- b. The monitor is to resolve any concerns of a routine nature directly with NZSki. Issues should be referred to DOC when problems are recurrent, significant in scale, unconventional or if a mutual agreement cannot be reached;
- c. To advise both DOC and NZSki whenever their action (or inaction) may present a problem for ski area environment, whether related to a specific development or any other activity;
- d. The monitor is to immediately advise DOC and NZSki if unauthorised works may be occurring, of significant risks to the natural environment that warrant suspension of works, and of any concerns with geotechnical hazards and/or public safety;
- e. Monitoring visits are to be scheduled in consultation with NZSki and DOC at a frequency of no more than once a week and no less than three times a summer (depending on nature of works over summer);
- f. If agreement on scheduling cannot be reached, DOC will make a final decision and notify NZSki of when monitoring is to occur;
- g. A brief written report of each monitoring visit is to be forwarded to DoC and NZSki in a timely manner. Reports should take a broad approach to assess overall performance, record agreements reached on site and highlight unresolved issues. Reports should take advantage of photo monitoring where possible;
- h. The time required for visits (and reports) are to be appropriate to the works in progress. The monitor is to notify and seek agreement from NZSki on where the combined time required for site visits and reporting is likely to exceed 5 hours;

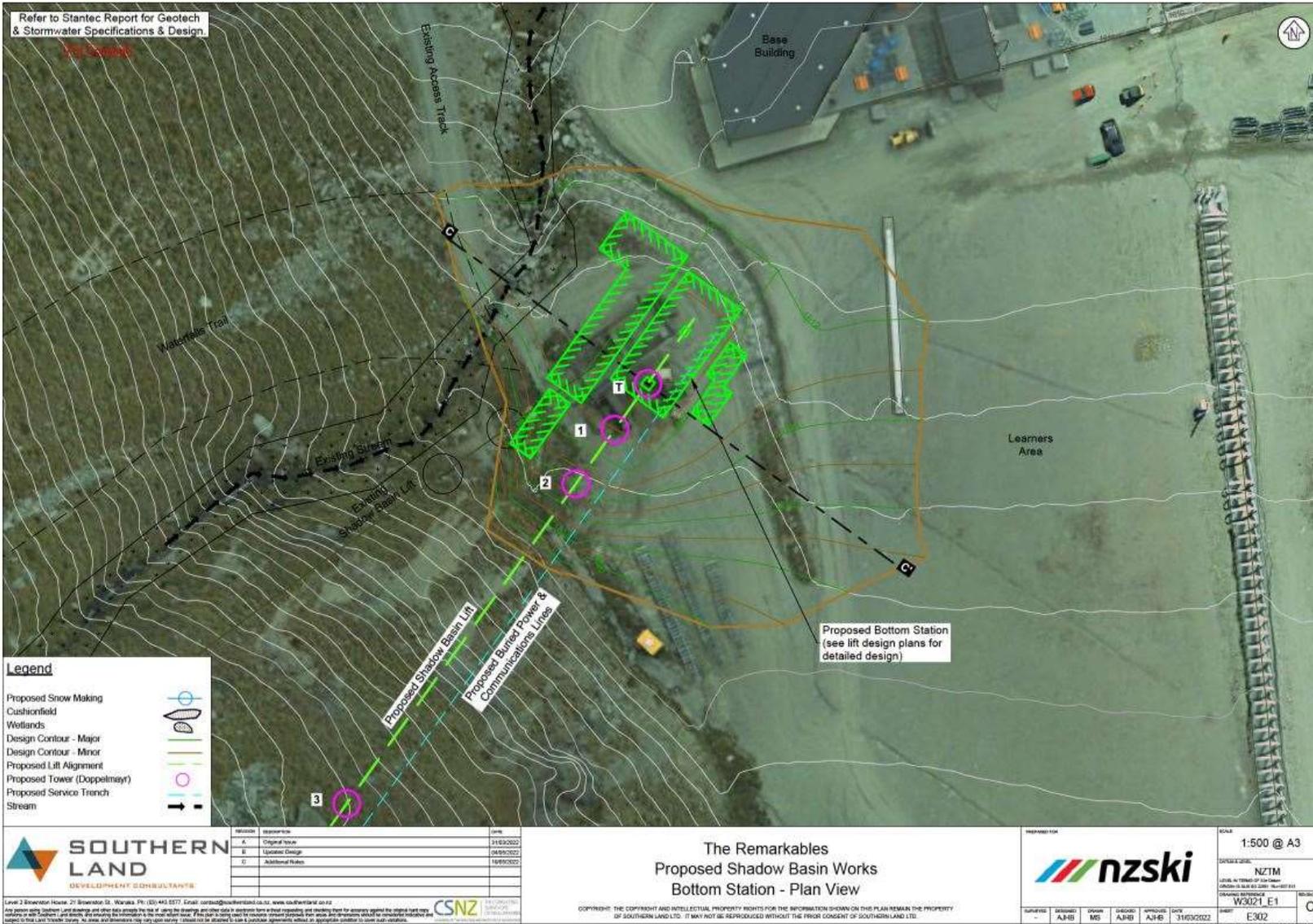
- i. Support tasks supplementary to monitoring and reporting (eg research and meetings) are to be agreed with DOC and NZSki prior work occurring;
  - j. The time spent on monitoring visits, reporting and support work will be billed directly to NZSki at a rate equivalent to DOC's current hourly rate for field staff, plus gst. Disbursements are to be billed separately.
  - k. All monitoring reports and discussions between the contractor, NZSki and DOC will be kept confidential.
8. Right to suspend works
- a. DOC will, at its sole discretion, suspend any development work or activity should contracted monitoring, public feedback or DOCs own observations determine there are unexpected and/or significant impacts on the natural environment that are not being adequately rehabilitated.
  - b. Any suspension shall remain in place until a response plan is agreed with NZSki.

APPENDIX 2: Southern Land Development Consultants (SDC) Proposed Shadow Basin Works



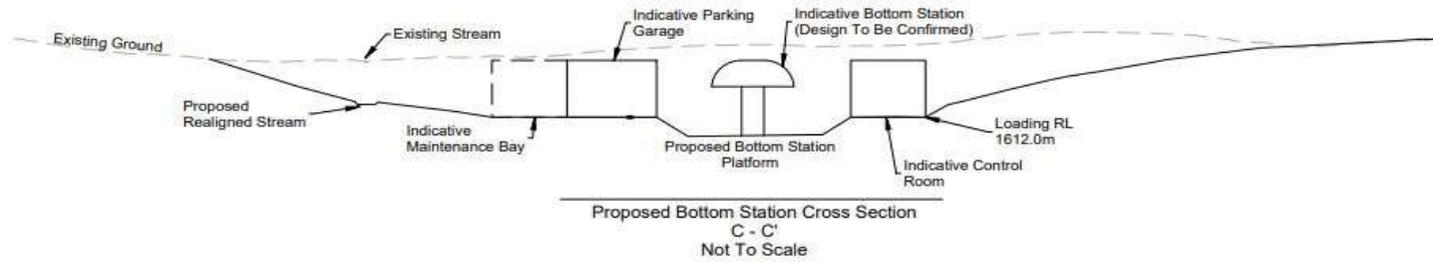
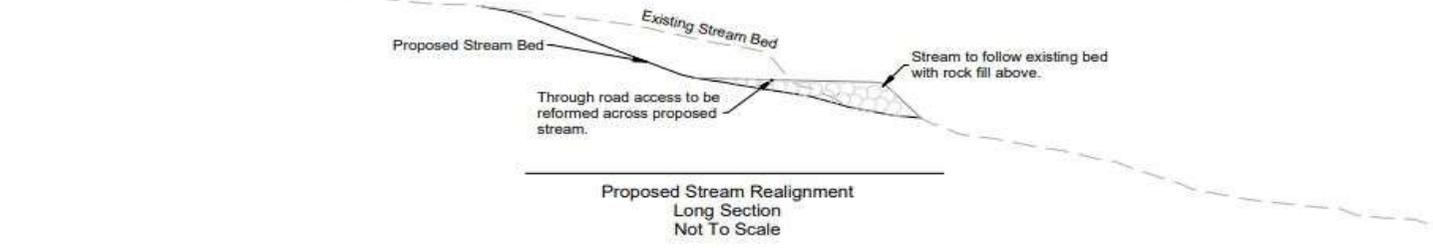






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For Consent



Revision	Description	Date
A	Original Issue	17/05/2022
B	Updated Design	19/05/2022
C	Additional Notes	19/05/2022

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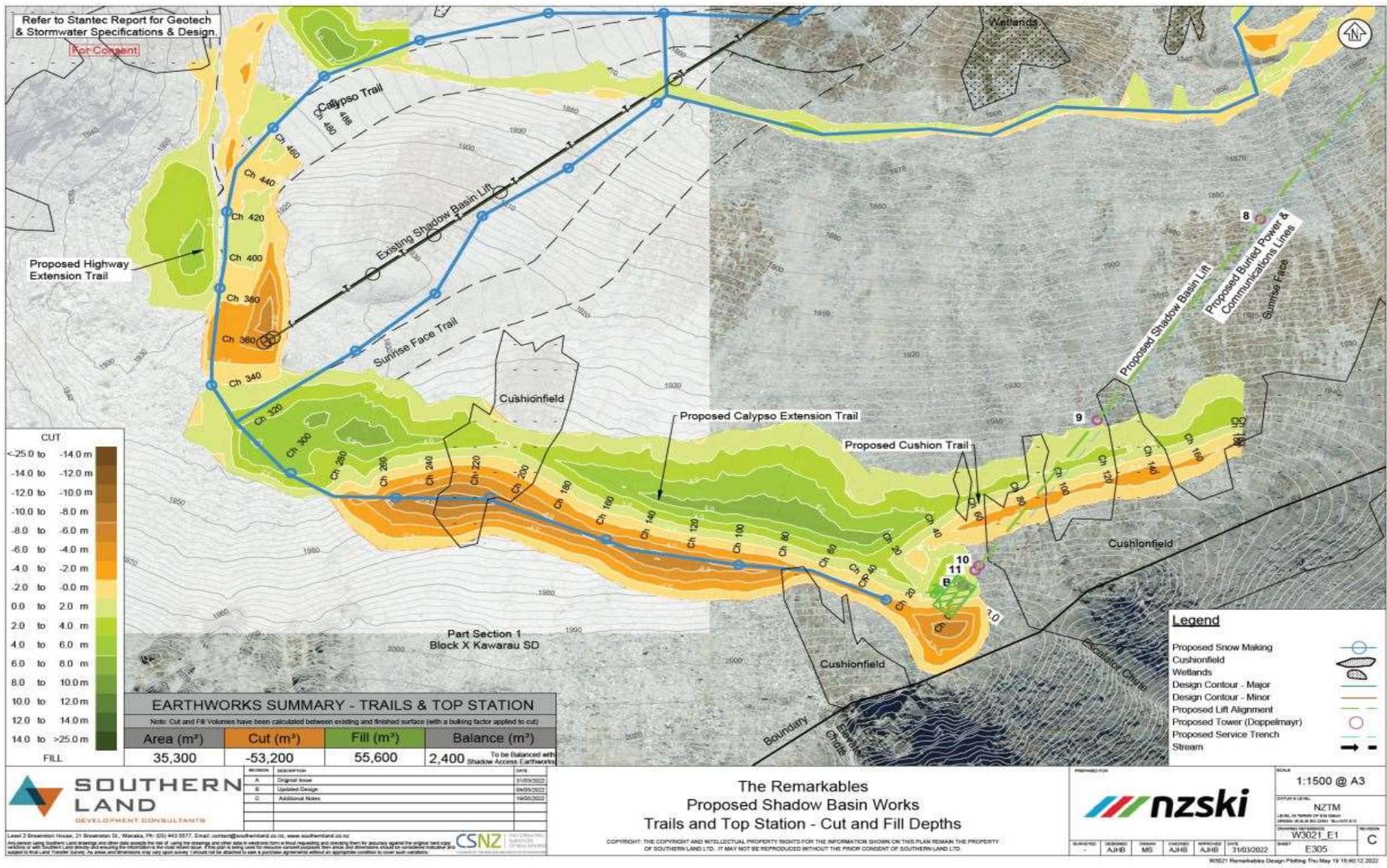
The Remarkables  
Proposed Shadow Basin Works  
Bottom Station - Section Views

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PROJECT NO	W3021 E1
CLIENT	NZTM
DATE	31/03/2022
SCALE	E303
REVISION	C

93021-Stormwater Design Planning The May 19 10:36:42 2022



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**CUT**

<-25.0 to -14.0 m
-14.0 to -12.0 m
-12.0 to -10.0 m
-10.0 to -8.0 m
-8.0 to -6.0 m
-6.0 to -4.0 m
-4.0 to -2.0 m
-2.0 to -0.0 m
0.0 to 2.0 m
2.0 to 4.0 m
4.0 to 6.0 m
6.0 to 8.0 m
8.0 to 10.0 m
10.0 to 12.0 m
12.0 to 14.0 m
14.0 to >25.0 m

**EARTHWORKS SUMMARY - TRAILS & TOP STATION**

Note: Cut and Fill Volumes have been calculated between existing and finished surface (with a bulking factor applied to cut)

Area (m <sup>2</sup> )	Cut (m <sup>3</sup> )	Fill (m <sup>3</sup> )	Balance (m <sup>3</sup> )
35,300	-53,200	55,600	2,400

To be balanced with Shadow Access Earthworks



REVISION	DESCRIPTION	DATE
A	Original Issue	31/03/2022
B	Updated Design	04/04/2022
C	Additional Note	09/05/2022

The Remarkables  
 Proposed Shadow Basin Works  
 Trails and Top Station - Cut and Fill Depths

**nzski**

SCALE: 1:1500 @ A3

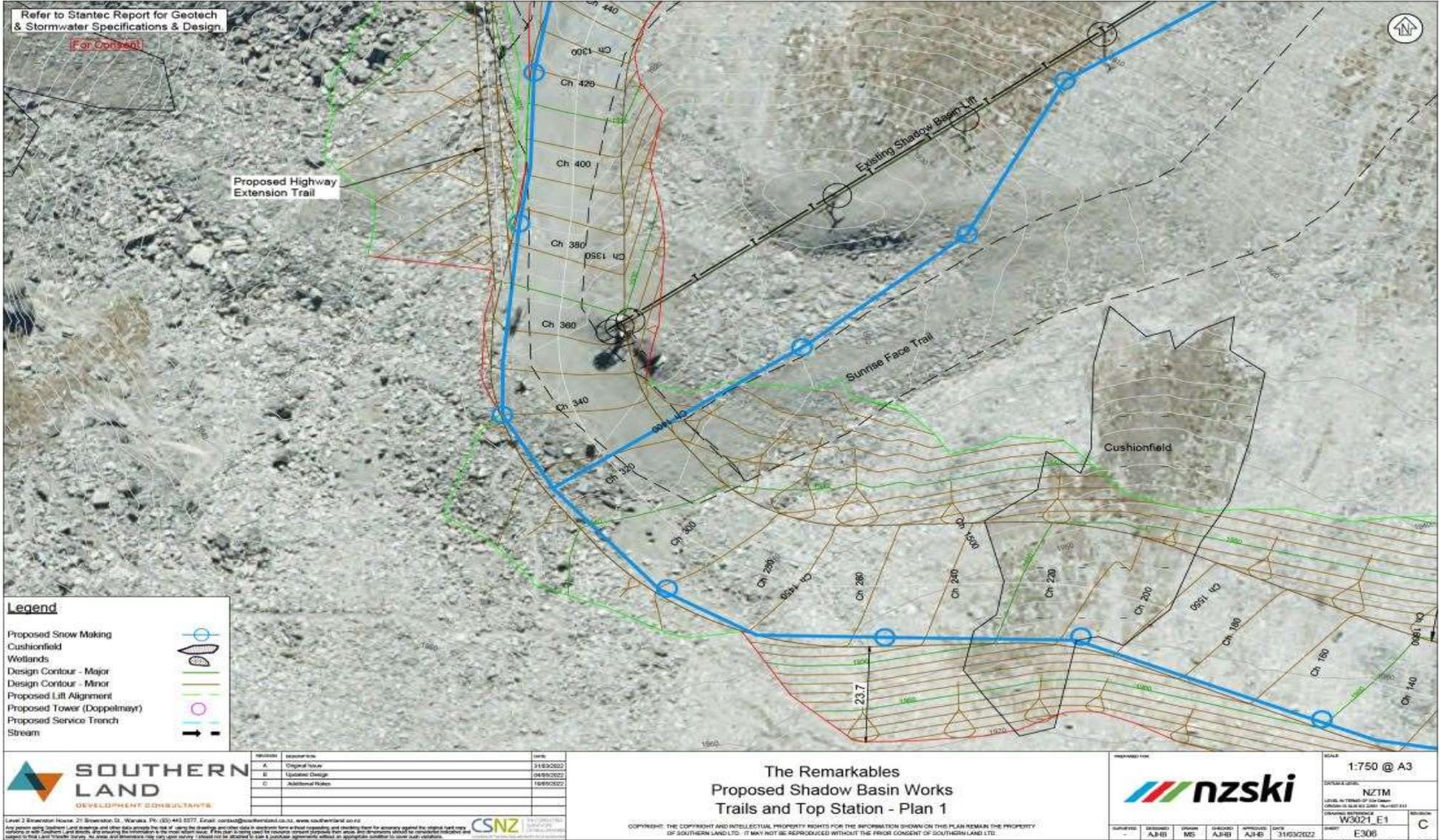
PROJECT NO: W3021\_E1

DATE: 31/03/2022

REVISION: C

PROJECT: E305

W3021 Remarkables Design Plotting Thu May 19 10:40:12 2022



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For Context

Proposed Highway Extension Trail

Existing Shadow Basin Ltr

Sunrise Face Trail

Cushionfield

**Legend**

- Proposed Snow Making
- Cushionfield
- Wetlands
- Design Contour - Major
- Design Contour - Minor
- Proposed Lift Alignment
- Proposed Tower (Doppelmayr)
- Proposed Service Trench
- Stream

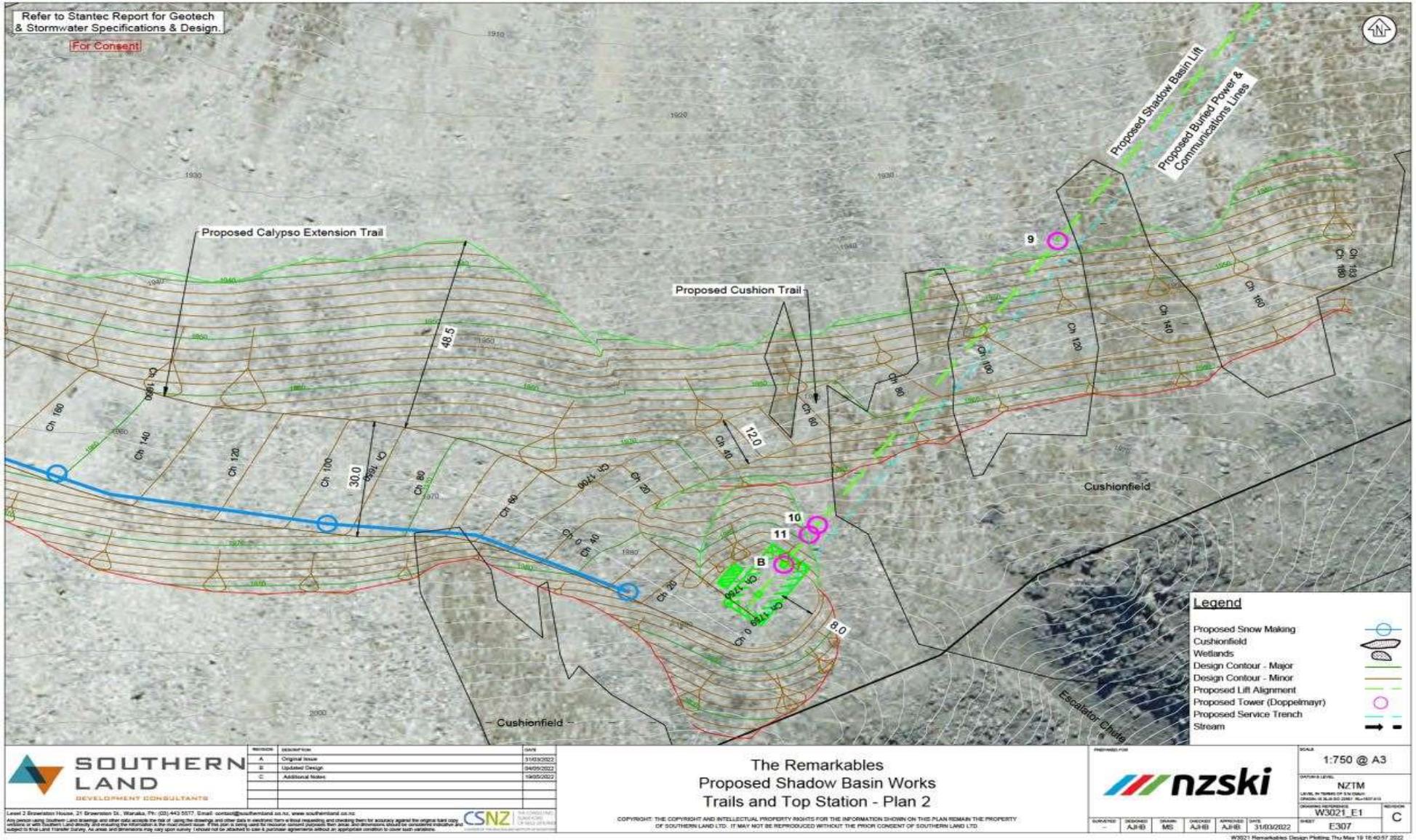


Revision	Description	Date
A	Original Issue	21/03/2022
B	Updated Design	04/09/2022
C	Additional Notes	16/09/2022

The Remarkables  
Proposed Shadow Basin Works  
Trails and Top Station - Plan 1

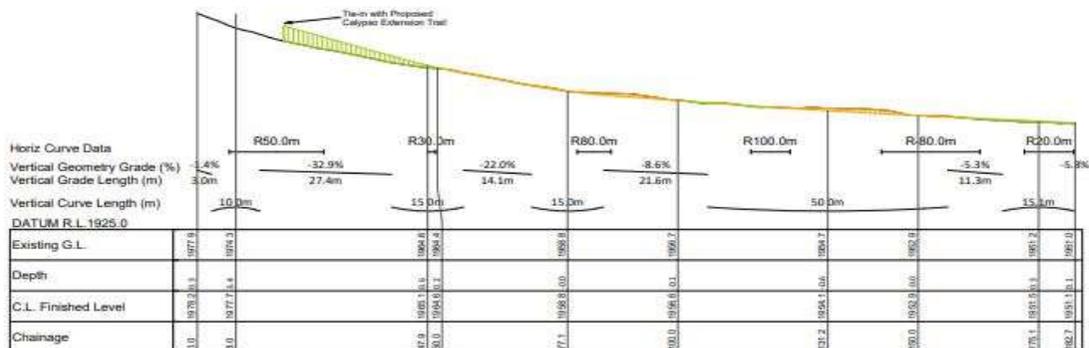
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nzski		1:750 @ A3	
DRAWN BY		DATE	
NZTM		31/03/2022	
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CONCESSION NUMBER		REVISION	
W3021_E1		C	
PROJECT		E306	

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Revision	Description	Date
A	Original Issue	21/05/2022
B	Updated Design	04/06/2022
C	Additional Notes	18/06/2022

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CSNZ

The Remarkables  
Proposed Shadow Basin Works  
Trails - Cushion - Longsection

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nzski

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NZTM

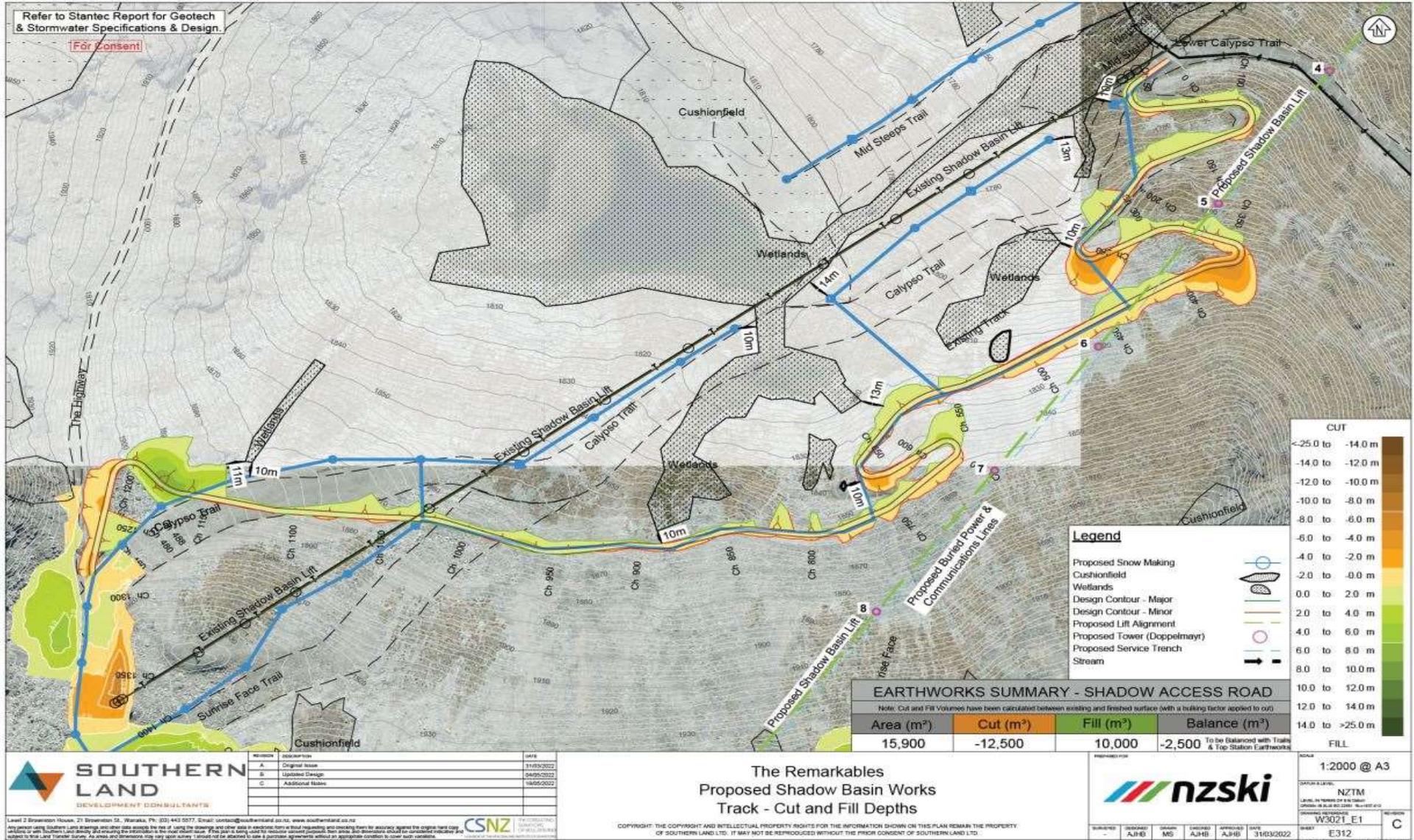
W3021 E1

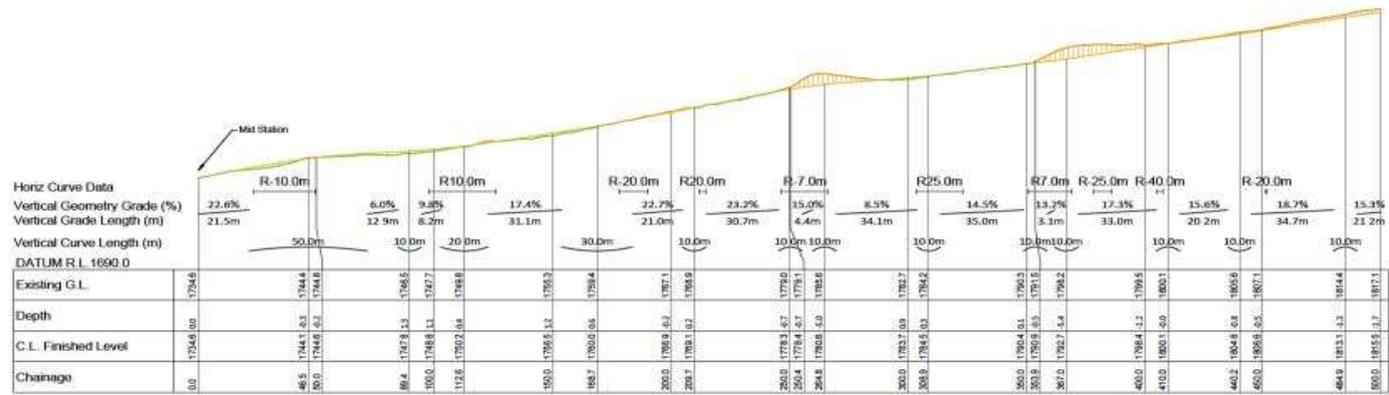
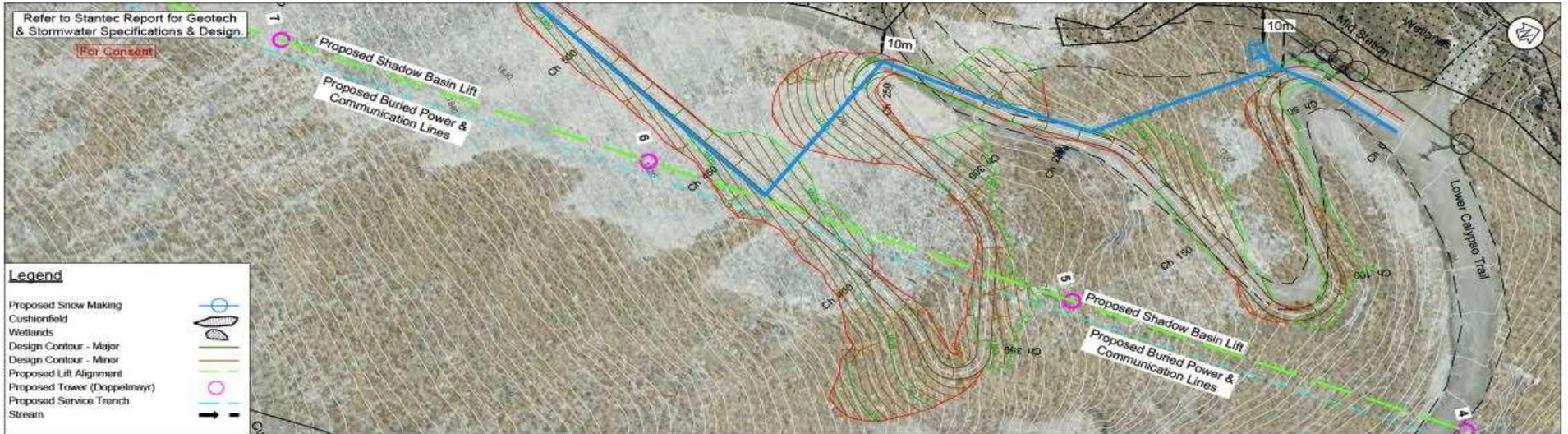
E308

31/03/2022

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B	Updated Design	04/05/2022
D	Additional Notes	18/09/2022

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**The Remarkables  
Proposed Shadow Basin Works  
Track - Longsection and Plan View**

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CONTRACT: NZTM

DATE: 04/05/2022

DRAWING NUMBER: W3021 E1

SHEET: E314

REVISION: C

W3021 Remarkables Design Planning The May 10 16:42:15 2022



Horiz Curve Data	R20.0m	R30.0m	R 50.0m	R-7.0m R-20.0m	R6.0m	R20.0m	R40.0m	R-50.0m	R50.0m R-20.0m	R50.0m			
Vertical Geometry Grade (%)	15.3%	18.9%		15.8%	13.3%	13.1%	12.4%	5.3%	10.0%	13.9%	1.5%	4.4%	11.3%
Vertical Grade Length (m)	21.2m	21.0m		27.3m	4.7m	33.3m	17.2m	41.6m	13.4m	15.8m	21.4m	45.8m	46.0m
Vertical Curve Length (m)	10.0m		50.0m	10.0m 10.0m		10.0m	20.0m	20.0m	30.0m	35.0m	30.0m		50.0m
DATUM R.L. 1770.0													
Existing G.L.	1817.1	1818.1	1824.0	1833.0	1835.3	1841.1	1847.4	1852.2	1857.9	1864.4	1869.3	1874.0	1877.3
Depth	1815.5	1816.1	1822.0	1831.0	1833.3	1839.1	1845.4	1850.2	1855.9	1862.4	1867.3	1872.0	1875.3
C.L. Finished Level	1815.5	1816.1	1822.0	1831.0	1833.3	1839.1	1845.4	1850.2	1855.9	1862.4	1867.3	1872.0	1875.3
Chainage	500.0	516.1	560.0	610.0	637.3	684.6	701.8	743.4	774.0	804.0	825.4	871.2	917.2

**Key**  
Cut  
Fill

Horz Scale 1:2000 @ A3  
Vert Scale 1:2000 @ A3



REVISION	DESCRIPTION	DATE
A	Original Issue	31/03/2022
B	Update Design	04/05/2022
C	Additional Notes	16/05/2022

**The Remarkables Proposed Shadow Basin Works Track - Longsection and Plan View**

PREPARED FOR: **nzski**

SCALE: 1:1000 @ A3

DATE: 31/03/2022

PROJECT: E315

REVISION: C

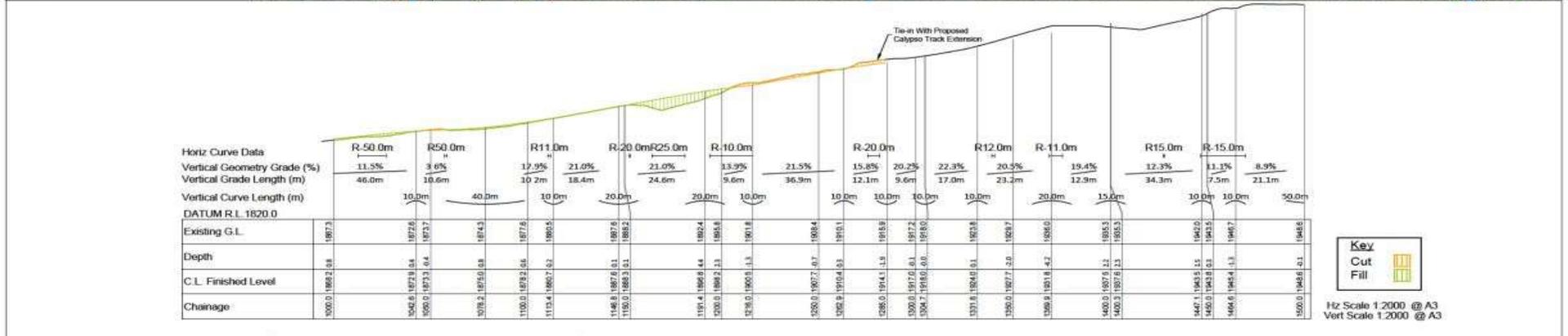
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**The Remarkables  
Proposed Shadow Basin Works  
Track - Longsection and Plan View**

SCALE: 1:1000 @ A3

REVISION	DESCRIPTION	DATE
A	Original Issue	31/03/2022
B	Updated Design	04/03/2022
C	Additional Notes	18/05/2022

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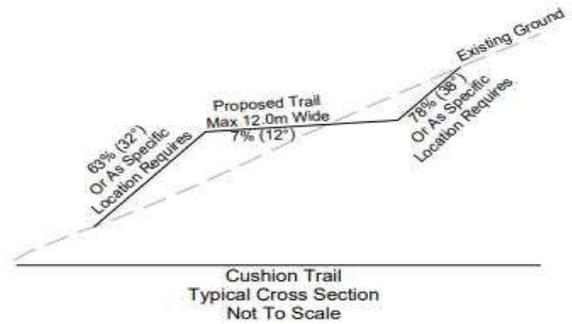
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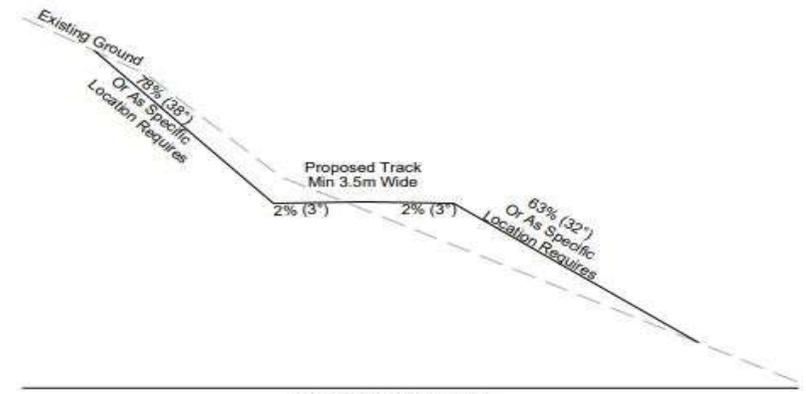
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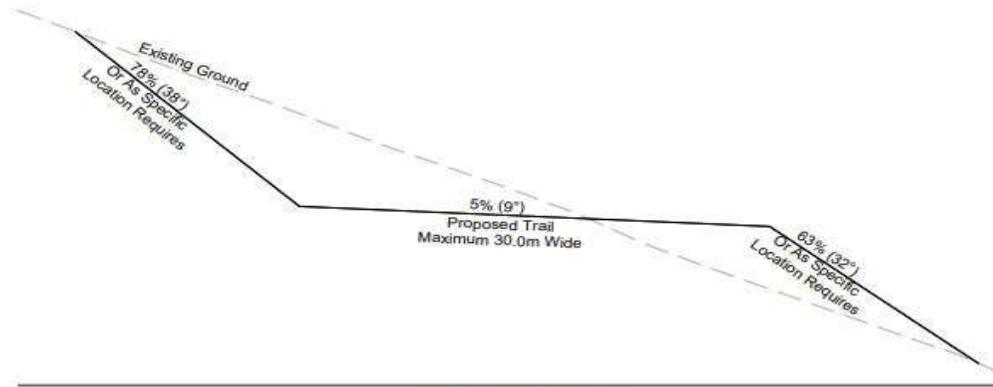
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Cushion Trail  
Typical Cross Section  
Not To Scale



Shadow Access Track  
Typical Cross Section  
Not To Scale



Calypso Trail Extension  
Typical Cross Section  
Not To Scale



REVISED	DESCRIPTION	DATE
A	Original Issue	21/03/2022
B	Location Change	04/05/2022
C	Additional Notes	18/05/2022

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The Remarkables  
Proposed Shadow Basin Works  
Typical Cross Sections

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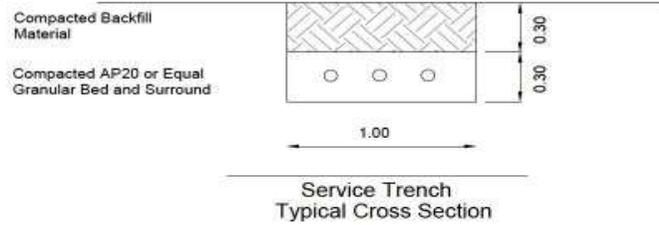
Prepared For:					NZSKI		NZTM	
Project:					W3021 E1		C	
Date:					31/03/2022		E318	

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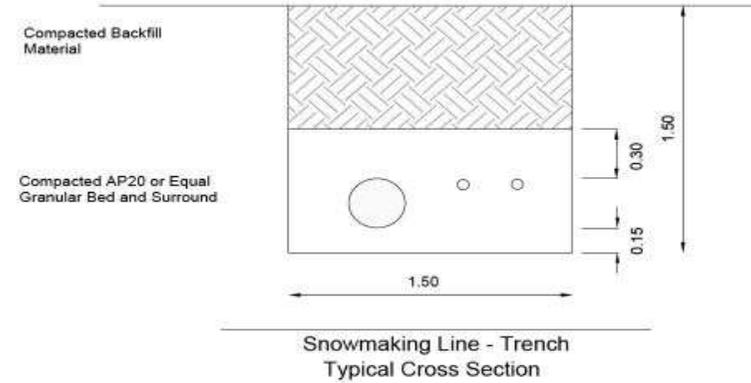
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Vegetation From Trenches To Be Stripped and Redistributed Upon Completion of Trenching.



Vegetation From Trenches To Be Stripped and Redistributed Upon Completion of Trenching.



REVISION	DESCRIPTION	DATE
A	Original Issue	31/03/2022
B	Updated Design	04/03/2022
C	Additional Notes	18/04/2022

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The Remarkables Proposed Shadow Basin Works Typical Trench Details

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PROJECT NO: NZTM					SHEET NO: E319
DRAWING NO: W3021_E1					REVISION: C
SURVEYED: AJHB	DESIGNED: MS	CHECKED: AJHB	APPROVED: AJHB	DATE: 31/03/2022	SHEET: E319

W3021 Remarkables Design Plotting Thu May 19 10:43:32 2022

# APPENDIX 3: Plans of Passenger Lift System and Associated Buildings

